
Report of the Thirteenth Session of the Indian Ocean Tuna Commission

Bali, Indonesia, 30 March-3 April 2009

IOTC-2009-S13-R[E]

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EXECUTIVE SUMMARY

The 13th Session of the Indian Ocean Tuna Commission (IOTC) was held in Bali, Indonesia, from 30 March to 3 April 2009. Representatives of 19 Members of the Commission, one Cooperating Non-contracting Party, FAO, 10 Observers and invited experts attended the Session.

The Chair of the IOTC Performance Review Panel presented the report of the review completed in January 2009. The Commission adopted a Resolution that takes the first steps to progress the recommendations arising from the Report of the Performance Review Panel with the aim of strengthening the effectiveness of the IOTC.

The Commission strengthened its measures for the management of fishing capacity on tropical tuna, swordfish and albacore stocks; and those to eliminate illegal, unreported and unregulated fishing by introducing a Resolution that now enables vessels flagged to CPCs to be included on the List of IUU Vessels. The Commission also has prohibited the use of large-scale driftnets on the high seas in the IOTC Area.

The Commission put in place a programme comprising national observer schemes to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC Area.

In recognition of the threatened status of the populations of the six marine turtle species found in the Indian Ocean, the Commission has adopted measures to improve the data on marine turtle interactions, and ensure the use of best handling practices to improve the levels of survival of turtles returned to the sea after capture.

The Commission adopted an arrangement between the Secretariat for the Agreement for Albatrosses and Petrels (ACAP) with the IOTC to promote cooperation between the two organisations to enhance the conservation of Albatrosses and Petrels in the IOTC Area.

The Commission issued a statement declaring its deep concerns and desire to see the end of the ongoing issue of piracy off the coast of Somalia.

The Commission approved the 2009/10 Program of Work and Budget of the Secretariat, and the schedule of contributions.

Senegal, South Africa and Uruguay were granted Cooperating Non-contracting Party status.

The following resolutions were adopted by the Commission:

- *Resolution 09/01 On the performance review follow-up*
- *Resolution 09/02 On the implementation of a limitation of fishing capacity of Contracting Parties and Cooperating non-Contracting Parties*
- *Resolution 09/03 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area*
- *Resolution 09/04 On a Regional observer scheme*
- *Resolution 09/05 To prohibit the use of large-scale driftnets on the high seas in the IOTC area of competence*
- *Resolution 09/06 On marine turtles*

1. OPENING OF THE SESSION

1. The Thirteenth Session of the Indian Ocean Tuna Commission (IOTC) was held in Bali, Republic of Indonesia, from 30 March to 3 April 2009. Representatives of 19 Members of the Commission, 1 Cooperating non-Contracting Party, FAO, 10 Observers and invited experts attended the Session. The list of participants is attached as [Appendix I](#).
2. In the opening ceremony, the Head of the Fisheries Office of the Province of Bali, Mr I. Gusti Putu Nuriatha on behalf of the Governor of Bali, made the Welcoming Address. This was followed by speeches by Mr Alejandro Anganuzzi (Secretary IOTC) and Mr Rondolph Payet (Chairperson of IOTC). The opening speech was given by Prof. Widi Agoes Pratikto, on behalf of the Minister of Marine Affairs and Fisheries of the Republic of Indonesia. The texts of the addresses by Mr Payet and Prof. Pratikto are provided in [Appendix II](#).

2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION

3. The Commission adopted the Agenda as presented in Appendix III to this report. The documents before the Commission are listed in Appendix IV.

3. ADMISSION OF OBSERVERS

4. Pursuant to Article VII of the Agreement establishing the IOTC, the Commission admitted observers from the United States of America, the Russian Federation, the Western and Central Pacific Fisheries Commission (WCPFC), the Agreement on the Conservation of Albatrosses and Petrels (ACAP), the South West Indian Ocean Fisheries Programme (SWIOFP), the Organization for the Promotion of Responsible Tuna Fisheries' (OPRT), the International Seafood Sustainability Foundation (ISSF), the Indian Ocean – South East Asian Marine Turtle Memorandum of Understanding (IOSEA), the Pew Environmental Group, the World Wide Fund for Nature (WWF), as well as invited experts from Taiwan, province of China. The Commission noted the presence of FAO (the Food and Agriculture Organization of the United Nations) as a special observer.

4. REPORT OF THE PERFORMANCE REVIEW PANEL

5. Mr Terje Løbach, invited legal expert and Chair of the IOTC Performance Review Panel presented the report of the review completed in January 2009 (IOTC-2008-PRP-R). He outlined the scope of the review undertaken and presented an overview of the key findings, which addressed the legal framework of the IOTC Agreement and the criteria-based analysis of the performance of the Commission. He stressed out some weaknesses of the Commission, notably not to take into account of the modern principles for fisheries management and its legal status preventing membership of major fishing players and affecting negatively its financial and budgetary management. In addition to the need for modernizing the IOTC Agreement, he drew the attention of the Commission to the following overarching issues:
 - Uncertainty in data and stock assessments.
 - The need to strengthen the ability of the Compliance Committee to monitor non-compliance and advise the Commission accordingly.
 - The need to consider the special requirements of the developing States.
6. In response to several references made in the above report concerning the status of Taiwan, province of China, China recalled that being a province of China, Taiwan cannot be referred to as a non-Member of the Commission.
7. The executive summary of the report of the performance review panel is attached as Appendix V.

5. CONSIDERATION OF ACTIONS TO ACHIEVE A MORE EFFECTIVE AND EFFICIENT COMMISSION

8. The Commission adopted Resolution 2009/01 *On the performance review follow-up* (Appendix XI) that takes the first steps to progress the recommendations arising from the Report of the Performance Review Panel with the aim of strengthening the effectiveness of the IOTC.
9. The Commission noted its wish to receive draft work plans of the Commission from the Members and, at the next Session, reports from the Compliance Committee and the Scientific Committee on the progress towards preparation of the work plans for implementation of the Performance Review recommendation.
10. The Commission also noted that a second joint meeting of the tuna RFMOs is to be held in San Sebastian, Spain, from 29 June to 3 July 2009, to discuss a range of matters that are likely to lead to Tuna-RFMO's operating more effectively, and looked forward to receiving the report from this meeting at its next session.

6. REPORT OF THE 11TH SESSION OF THE SCIENTIFIC COMMITTEE

11. The report of the Eleventh Session of the Scientific Committee (IOTC-2008-SC-R) was presented by the Scientific Committee Chair, Dr Francis Marsac (France). The Commission acknowledged the report and considered the following issues.

Status of the stocks

12. The Commission noted the latest advice from the Scientific Committee on the following species and species groups:
13. Albacore: The stock size and fishing pressure on albacore are considered to be within acceptable limits. Catches, mean weight and catch rates of albacore have been stable for over 20 years. The status of the stock is not likely to change markedly over the next 2-3 years and if the price of albacore remains low compared to other tuna species, no immediate action should be required.
14. Bigeye: The stock size and fishing pressure in 2004 were within acceptable limits. Catch rates have gradually declined since 1980. In 2008, preliminary assessment results based on tagging data suggest a high probability that the stock is not in an overfished state. Catches should not exceed the MSY and fishing effort should not increase further from the 2004 levels.
15. Skipjack: Skipjack is a highly productive species. Catches have increased with increasing fishing pressure with no symptoms for concern in the status indicators. Stock size and fishing pressure are considered to be within acceptable limits. There is no need for immediate concern.
16. Yellowfin: Stock size is close to or has possibly entered an overfished state. Fishing pressure has been too high in recent years, but was somewhat lower in 2007. The catch of yellowfin tuna should not exceed the average catch for the period 1998-2002 (i.e. 330,000 t) and fishing effort should not exceed the level exerted in 2007.
17. Swordfish: Overall stock size and fishing pressure are within acceptable limits. However, there have been some localised declines possibly related to high fishing pressure in some areas (e.g. in the southwest Indian Ocean area). Catches should not increase above the 2006 levels and fishing effort should not increase from the 2007 levels. Furthermore, management measures focussed on controlling and/or reducing effort, especially in the south-west Indian Ocean are recommended.
18. Neritic tunas: No quantitative stock assessments are currently available for the six neritic tuna species under the IOTC mandate, therefore the stock status for all species is unknown. The Scientific Committee noted that the neritic species are relatively productive with high fecundity and this makes them relatively resilient and less prone to overfishing than other species.

19. Sharks: Overall, there is a paucity of information available on sharks and this situation is not expected to improve in the short to medium term. There is no quantitative stock assessment or basic fishery indicators currently available for any of the sharks in the Indian Ocean therefore the stock status for all species is highly uncertain. In general, the life history characteristics of sharks; including that they are relatively long lived, typically take (at least) several years to mature, and have relatively few offspring, means that they are vulnerable to overfishing.
20. Marine turtles: The World Conservation Union (IUCN) has classified the olive ridley turtle as vulnerable, the green turtle and loggerhead turtle as endangered and the hawksbill turtle and leatherback turtle as critically endangered. While the status of marine turtles is affected by a range of factors such as degradation of nesting beaches and targeted harvesting of eggs and turtles, the level of mortality of marine turtles due to capture by gillnets and to a lesser extent purse seine fishing and longline is not known. Notwithstanding this, it is acknowledged that the impact on marine turtle populations from fishing for tuna and tuna-like species may increase if fishing pressure increases, or if the status of the marine turtle populations worsens due to other factors such as an increase in fishing pressure from other fisheries or anthropological or climatic impacts.

Consideration of the recommendations made by the Scientific Committee

21. The Commission addressed the list of recommendations made by the Scientific Committee in its 2008 report that related specifically to the Commission and/or concerned the work of the Secretariat, and made the following responses:
- Although the Commission recognizes the need for additional resources for the Secretariat, and recalled that this was also noted in the report of the Performance Review Panel, it did not currently support the hiring of additional staff proposed by the Scientific Committee (Science Officer, Communications Expert and Fisheries Statistician) for budgetary reasons.
 - It agreed to a regional observer scheme to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area (see Resolution 2009-04). The Scientific Committee, with the assistance of the Secretariat, has the responsibility to produce guidelines for the implementation of the observer scheme, including species identification material.
 - It noted the advice of the Scientific Committee on the technical aspects of IOTC Resolution 05/05 *Concerning the conservation of sharks caught in association with fisheries managed by IOTC* (in response to the Commission's request for more information made in 2008) recommending that the fin:body weight ratio measure be replaced with a resolution that requires shark fins to be landed attached to the body, either naturally, or by other means as well as reinforcing reporting obligations.
 - It did not support the request to use €100,000 from Commission's funds to organize a tagging symposium to review the results of the RTTP-IO.
 - It agreed that a Working Party on Fishing Capacity be set up in 2009 and adopted the terms of reference for this Working Party as given in Appendix VI.
 - It adopted the proposed schedule of Working Party meetings for 2009 and the major topics to be covered (Appendix VII). Furthermore, the Commission expressed its appreciation to Kenya for offering to host three of the meetings.
 - It supported the initiative to produce an electronic version of the Data Summary interface in 2009.
 - It agreed that the Twelfth Session of the Scientific Committee would meet from 30 November to 4 December 2009 in Seychelles.

7. REPORT OF THE COMPLIANCE COMMITTEE

22. The Report of the Sixth Session of the IOTC Compliance Committee (provided in Appendix VIII) was presented by the Committee Chair, Dr John Kalish (Australia).

National Reports on the progress of implementation of conservation and management measures

23. The Commission noted that national reports were provided by only nine of 28 Members (Australia, Belize, China, European Community, France Territories, Japan, Mauritius, Seychelles and the United Kingdom (OT)), and one of three Cooperating Members (South Africa).
24. The Commission joined the Compliance Committee in emphasizing the importance of the national reports and reminded Members of their obligation under Article X.2 of the IOTC Agreement to provide them no later than 60 days before the Session. The Commission also requested that the Secretariat develop intersessionally, in consultation with the Members, a national report template for use in 2010.

Status of the application of IOTC conservation and management measures

25. The Commission noted the performance of members in meeting their obligations relating the following IOTC Resolutions: 2001/05 on mandatory fisheries statistics requirements for IOTC Members; 2007/02 on the IOTC Record of Authorised Vessels; 2007/04 on the IOTC list of active vessels; 2005/03 on port inspections; 2001/06 on the bigeye statistical document programme; 2006/03 on the implementation of VMS programmes; and 2008/02 on the transshipment programme.
26. While reporting in general by CPCs continues to improve, the Commission expressed its concern about the following specific matters and urged all CPCs to take the necessary steps to meet IOTC fisheries data requirements:
- many data sets received from Members were incomplete, in particular size frequency data.
 - currently only three members are providing data on discards.
 - many authorized vessel records do not contain the time period that the vessels are authorized for fishing or transshipping, as required in Resolution 2007/02, and called on CPCs to make a special effort to provide this information as soon as possible.
 - that it is important for Members to report vessel volume as Gross Tonnage (GT) instead of GRT as GT is the standard measurement of vessel volume, in accordance with Resolution 2007/02.
 - some Members had not yet provided all the data required for Resolution 2007/04 relating to the Record of Active Vessels for the years 2006 and 2007. If these data are not provided, the Commission will be unable to meet the objectives of Resolution 06/05 or Resolution 07/05 (now Resolution 09/02) concerning the limitation of fishing capacity for vessels targeting tropical tunas, and swordfish and albacore.
 - only four CPCs had submitted their information for Resolution 2005/03 on port inspections, and there is an overall lack of reporting by CPCs on the activity of foreign vessels in their ports.
 - the low rate of implementation and the lack of reports submitted by Members on the Progress and Implementation of VMS in accordance with Resolution 2006/03. In an effort to improve reporting, the Commission requested the Secretariat to develop, in consultation with the Members, a report template for future use.

IOTC IUU Vessels list

27. The Commission noted that no new nominations for the IOTC List of IUU had been made since its 12th Session. The current IOTC List of IUU declared by the Commission in 2009 is given in Appendix IX.

Applications for cooperating non-contracting party status

28. The Commission endorsed the recommendations of the Compliance Committee to grant the status of Co-operating non-Contracting Party until the 14th Session in 2010 to Senegal, South Africa and Uruguay.

Other conservation and management matters

29. The Commission thanked the Compliance Committee for its work and noted its recommendations on the conservation and management proposals.

Election of a Chairperson and Vice-Chairperson for the next biennium

30. The Commission endorsed the election of Dr John Kalish (Australia) as Chairperson of the Compliance Committee for the next biennium. Mr Abilio Dominguez (Belize) was elected as Vice-Chairperson

8. REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE (SCAF)

31. The report of the Standing Committee on Administration and Finance (provided in Appendix X) was presented by the stand-in Chair, Mr Godfrey Monor (Kenya).
32. The Commission noted the discussions of the SCAF on a proposal from Belize to review the formula for calculating Member contributions in particular by increasing the importance of the catch component in the calculation.
33. The Commission noted the concerns of Indonesia that the value of the catch is not considered in the calculation of the annual Member contributions.
34. The Commission approved the IOTC Secretariat's Programme of Work for 2009; and adopted the budget for the year 2009 and the scheme of contributions for the Members as listed in Annex II of the SCAF report.

9. CONSERVATION AND MANAGEMENT MEASURES

35. The Commission received proposals for conservation and management measures on the topics below. The technical aspects of most proposals were considered first by the Compliance Committee who produced recommendations to the Commission concerning their adoption.

On marine turtles

36. The Commission adopted Resolution 2009/06 *On marine turtles* (Appendix XI). This resolution recognizes the threatened status of the populations of the six marine turtle species found in the Indian Ocean and that some tuna fishing operations carried out in the Indian Ocean can adversely impact marine turtles. This resolution, *inter alia*, makes mandatory the collection and provision of data on marine turtle interactions and the use of best handling practices to ensure the best chances of survival for any turtles returned to the sea after capture.
37. Japan, while not blocking the consensus, expressed its concern that data submission requirement would not be met, taking account of the low compliance rate of Members in catch data

submission and stated that the Commission should consider upgrading or abolishing the Resolution, depending on the implementation the Members.

On sharks

38. At its 12th Session, the Commission asked that the Scientific Committee provide more information on the technical aspects of IOTC Resolution 05/05 *Concerning the conservation of sharks caught in association with fisheries managed by IOTC*, specifically paragraph 4 “CPC’s shall require their vessels to not have onboard fins that total more than 5% of the weight of sharks onboard, up to the first point of landing”. The Commission noted the Scientific Committee’s recommendation that the fin:body weight ratio measure be replaced with a resolution that requires shark fins to be landed attached to the body, either naturally, or by other means.
39. The Commission noted the technical discussions in the Compliance Committee on a combined proposal which, *inter alia*, sought to require CPCs have all sharks landed with their fins attached to the carcass, improve the collection of data on sharks through strengthening reporting requirements, and put a timeline on the requirements of stock assessments. The Commission did not reach consensus on this proposal either. Some Members expressed their disappointment that the revised proposal was not adopted; while others indicated that the proposal had major operational and enforcement issues, and that the current measures on sharks (Resolution 05/05) were adequate.

Changes to the eligibility relating to the IUU Vessels List

40. The Commission adopted Resolution 2009/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC Area* (Appendix XI). This resolution updates Resolution 2006/01 enabling vessels flagged to CPCs to be nominated for inclusion in the List of IUU Vessels, and provides a reporting format for parties nominating vessels to the List.

Introduction of a regional observer scheme

41. The Commission adopted Resolution 2009/04 *Regional observer scheme* (Appendix XI). This resolution puts in place a programme comprising national observer schemes to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area.
42. The programme initially covers 5% of the operations of the vessels over 24 m and will include, progressively up to 5% of their operations in 2013, vessel under 24 m that fish outside their EEZs. Artisanal fishing landings shall also be progressively monitored at port by observers. Australia noted that a significant number of vessels less than 24 m long fish on the high seas in the IOTC Area, and the exclusion of these vessels at the start of the programme will result in a considerable loss of valuable information.

Port State measures

43. The Commission could not reach a consensus on this measure accepting the Compliance Committee’s recommendation that further progress within the FAO context should guide the Commission while considering development of a legally-binding instrument on port State measures and deferred further discussions on this matter to a future Session.

A catch document scheme for yellowfin tuna

44. The Commission noted that there was no agreement on this proposal, although it agreed that a catch documentation scheme might have merit for some species in the future and invited participants at the forthcoming second joint meeting of the tuna RFMO’s in San Sebastian, Spain, to initiate discussions on this.

Prohibiting the use of large-scale driftnets

45. The Commission adopted Resolution 2009/04 *to prohibit the use of large scale driftnets on the high seas in the IOTC Area* (Appendix XI). This resolution bans the use of large-scale driftnets (more than 2.5 km long) in the high seas within the IOTC Convention Area.

Use of trade related measures

46. The Commission considered a proposal to make the existing recommendation on trade-related measures into a binding resolution, including the ‘identification’ of CPCs who fail to discharge their obligations under the IOTC Agreement; and other non-cooperating countries who fail to discharge their obligations under international law to co-operate with IOTC in the conservation and management of tuna and tuna-like species.
47. The Commission did not reach consensus on this matter. Some Members considered that IOTC should not take on the role of imposing trade-related measures, as these can be better dealt with through existing mechanisms in the trade laws and regulations that exist in respective Members. They also noted that IOTC does not currently have a process for handling the resolution of trade disputes that would inevitably arise from IOTC implementing such measures.
48. Other Members noted that the trade-related measures proposed would be used as a last resort, and such approaches have proved effective in other RFMOs such as ICCAT and may result in increased compliance.

Catch limits for yellowfin bigeye and swordfish

49. The Commission considered proposals to introduce catch restrictions on yellowfin tuna and bigeye tuna, and swordfish (to the levels recommended by the Scientific Committee), including catch allocations for Members (on the basis of the catch figures indicated in the IOTC Scientific Committee report 2008). These proposals were submitted in response to the advice from the Scientific Committee that yellowfin tuna stocks are evaluated to be at levels near or below MSY; that stocks of bigeye tuna should be at the level of MSY but could easily revert to a more pessimistic situation; considering there is scientific evidence of a localised depletion of the swordfish stock; and recognising the importance of applying the precautionary approach for the management of the stocks in the Indian Ocean.
50. After considerable debate, no consensus was reached on a formula to distribute the allowable catches between Members, and the proposals for catch limits were dropped from further consideration at this Session. The Chair encouraged Members interested in proposing similar measures to engage in consultations well in advance of the next Session, so as to increase the chances of adoption.

The limitation of fishing capacity

51. The Commission considered a proposal to consolidate the current measures for the management of fishing capacity on tropical tunas stocks, swordfish and albacore stocks, and allow for the inclusion of the vessels under construction during the reference years, and those proposed by the developing States in their fleet development plans. After discussions, the Commission adopted Resolution 2009/02 *On the implementation of a limitation of fishing capacity of contracting parties and cooperating non-contracting parties* (Appendix XI).
52. India informed the Commission that it will endeavour to comply with Paragraph 1 (to provide lists of active vessels, including gear and GT information) of the above resolution.

Proposed ban on discards by purse seiners

53. The Commission deferred further consideration of a proposal on the implementation of a ban on discards by purse seiners due to late submission to the Commission and did not support the proposal in its current formulation without advice of the Scientific Committee.

54. However, the Commission suggested that this issue might be re-visited in the future if estimates of discard levels are determined to be significant. The Commission expected that the Scientific Committee will be able to provide advice on this matter in the near future using the data collected from the observer scheme.

On establishing a logbook on at-sea discharge of non degradable waste and waste waters for vessels of more than twenty-four meters.

55. The Commission considered a proposal for a resolution that would enforce the use of a logbook by vessels more than 24 m long to record the discharge of non-degradable waste and waste waters. This was in response to the risk that these materials pose to marine turtles, seabirds and marine mammals.
56. The Commission agreed to defer further consideration of this matter until the requirements under the MARPOL Convention¹ were clarified. Notwithstanding this; however, the Commission requested that the Scientific Committee provide some advice at the 2010 annual Session on the nature and extent of the mortality of marine turtles, marine mammals and seabirds due to the discharge of non-degradable waste from vessels fishing for tuna and tuna-like species in the Indian Ocean.

10. ANY OTHER MATTERS

10.1 Relationships with other bodies

The Agreement on the Conservation of Albatrosses and Petrels (ACAP)

57. The Commission welcomed the initiative by ACAP seeking an arrangement with the IOTC to promote cooperation between the two organisations to enhance the conservation of Albatrosses and Petrels in the IOTC Area. In acknowledgement of the commonalities between IOTC and ACAP, the Commission instructed the Chairperson to sign the arrangement given in Appendix XII that puts into place arrangements and procedures to promote cooperation between the two organisations and enhance the conservation of seabirds.

Commission for the Conservation of Southern Bluefin tuna

58. The Commission endorsed the arrangements between CCSBT and IOTC to include the exchange of data relating to the transshipment and observer programmes as a means to eliminate duplication of work and reducing data collection costs.

10.2 Piracy at sea

59. The Commission unanimously proclaimed its desire to see the end of the ongoing issue of piracy off the coast of Somalia and issued a statement (Appendix XIII) declaring its deep concerns by an upsurge of acts of piracy which put at risk the delivery of humanitarian assistance to the population of Somalia and which has had a serious impact in particular on merchant shipping and also on legitimate fishing activities in the northwestern part of the IOTC Area. The Commission noted the recent initiatives from the United Nations Security Council and the International Maritime Organisation and the United Nations General Assembly on this matter and called on the International Community to give all its support to ensure the safety of all fishing vessels and their crew in the region from acts of piracy.

¹ International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (MARPOL)

10.3 Vandalism of oceanographic buoys

60. The USA informed the Commission of its concerns over the vandalism and destruction of National Oceanic and Atmospheric Administration (NOAA) data buoys in the Indian Ocean that is resulting in around 50 % of data being lost. The data buoys can be very effective Fish Aggregating Devices (FADs), and because the buoy locations are known, they can be easily targeted by fishermen and subsequently damaged. These data are used for a range of purposes, including weather and marine forecasts, in particular, the tsunami warning system; providing sea temperature data to fisheries managers; and assisting at sea rescue efforts.
61. The Commission expressed its concern at the damage that is occurring to the oceanographic buoys deployed in the Indian Ocean and requested CPCs to send a message to their fleets to avoid the devices altogether for the sake of human safety, and the valuable contribution the data from the buoys can make to tuna fisheries science and management.

10.4 Extension of the appointment of the Secretary

62. In accordance with Rule V.3 of the IOTC Rules of Procedure, the Commission agreed that the tenure of the current IOTC Secretary, Alejandro Anganuzzi, be renewed for a further three years (commencing March 2010). The Chairperson was asked to inform the Director-General of FAO of this conclusion.
63. Australia expressed its wish that a process of performance review of the activities of the Secretariat be implemented to ensure that best practices are being followed by the Secretary, to identify areas for improvement of the staff and so that any deficiencies in the Secretariat can be addressed.

10.5 The process by which Membership of the IOTC is accepted

64. The Commission discussed the procedure that FAO followed with respect to the recent acceptance of the instrument of accession submitted by the Republic of Sierra Leone. The Members considered that Sierra Leone did not meet the eligibility criteria listed in Article IV of the IOTC Agreement. Specifically, that, Sierra Leone is not a coastal State situated in the IOTC Area, and it has not reported any fishing activity in the IOTC Area in recent years. Under these circumstances, the Members consider that FAO, in its role as depositary of the IOTC Agreement, should have sought advice from the Members before accepting the instrument of accession from Sierra Leone.
65. The FAO Representative informed the Commission that two steps were involved in the process undertaken by FAO. The first was an assessment as to whether the document received from the intending Member is legally acceptable. The Second was an assessment as to whether the intending Member meets the eligibility criteria. The FAO Representative suggested that it would be prudent for the Commission to remind the depositary in FAO about the criteria for Membership and the need to apply these criteria when considering any future application.
66. The Commission requested that the Chairperson write to the FAO and request further information as to the process of verification of the eligibility criteria that led to the acceptance of the instrument of accession of Sierra Leone. Furthermore, the Members requested that, in the future, when such verification processes indicate that the eligibility criteria are not met, FAO, as a depositary of the IOTC Agreement, contacts all Members requesting advice as to how to proceed.

11. ELECTION OF THE CHAIRPERSON AND VICE CHAIRPERSON FOR THE NEXT BIENNIUM

67. The Commission unanimously re-elected Mr Rondolph Payet (Seychelles) as Chairperson of the Commission for the next biennium. Mr Tarun Shridhar (India) was elected as Vice-Chairperson.

12. DATE AND PLACE OF THE TWELFTH SESSION OF THE SCIENTIFIC COMMITTEE AND THE FOURTEENTH SESSION OF THE COMMISSION

68. The Commission was unanimous in its thanks to the Republic of Indonesia for hosting the 13th Session and paid tribute to the excellent facilities, the wonderful locale and the warm hospitality it received in Bali.
69. The Commission agreed that the 12th Session of the Scientific Committee will take place from 30 November to 4 December in Seychelles.
70. Following an invitation from the Republic of Korea, the Commission agreed that the 14th Session of the Commission will take place from 22 to 26 March in Korea (with the city to be announced).

13. ADOPTION OF THE REPORT

71. The Commission decided to adopt the report of the 13th Session of the Indian Ocean Tuna Commission by correspondence.

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APPENDIX II
OPENING ADDRESS BY PROF. WIDI AGUS PRATIKTO, SECRETARY GENERAL OF THE
MINISTRY OF MARITIME AFFAIRS AND FISHERIES.

Honorable Mr. Alejandro Anganuzzi, the Executive Secretary of IOTC,

Honorable Mr. I Made Mangku Pastika, the Governor of Bali,

Honorable Delegates and Observer

Official of the Ministry Marine Affairs and Fisheries and Bali Provincial Government,

Distinguished delegates, guests, ladies and gentlemen

Welcome to Bali of Indonesia and especially welcome to the 13th Session of the Indian Ocean Tuna Commission. On behalf of my colleagues at the Ministry of Marine Affairs and Fisheries of the Government of the Republic of Indonesia, allow me to extend our warmest welcome to distinguished delegates, representatives of the tuna fishing industry and non governmental organizations.

It is great honor for Indonesia to host the highest meeting forum of IOTC, especially since Indonesia is the youngest cooperating parties of the commission. In conjunction, my special appreciation goes to the Mr. Executive Secretary and his staff for their hard work to prepare this meeting through set of arrangement and provision of documentation well in advance.

Challenges to manage tuna resources sustainably are becoming obvious in the past years. Sustainability of tuna resources in Indian Ocean were threatened by increase in world tuna demands which in turn driven raising fishing effort and capacity of fleet in this region. In addition, IUU fishing activity obviously pose significant uncertainty for sustainable management of tuna resources, while global phenomenon of climate change pose threat that concertedly need to be addressed. In this regard, legitimate conservation and management measure followed by non delay adoption should be achieved.

On the 12th Session of the Commission, considerable achievement was made through establishment of resolution for mandatory statistical requirements, programs for transshipment by large scale fishing vessel, reducing Incidental by-catch and recording of catch by tuna long-line fishing vessel in the IOTC Area. However, some concern were left for this meeting such as consideration of action being taken to achieve a more effective and efficient Commission, the use of trade sanction to eliminate IUU fishing, total ban of transshipment at sea, proposed changes to IOTC big-eye tuna statistical document program and proposed changes related to Port Inspection Scheme.

In regard to future works of the Commission, the 13th Session will present report of IOTC Performance Review. We are all aware the gravity of this report, therefore the commission and CPC's will required to be proactive and make thorough observation to produce fruitful discussion on future work to have more achievement to the objectives of this Commission.

Apart from this IOTC Thirteenth Session, I believe is good to remember that Bali was home when initiative to work "Toward Healthy Ocean and Coast for the Sustainable Growth and Prosperity of Asia-Pacific Community" under auspices of Asia-Pacific Economic Cooperation Ocean Related (APEC). In this meeting the ministers recommended to increase their efforts to strengthen and update fisheries governance and management including through reform of and cooperation in Regional Fisheries Management Organizations (RFMOs)

Tuna is a world resources where their importance is well recognized and documented. With current understanding nature of the resources, it is an obligation of a national and an international to continue cooperation and dialogue to sustain resources for our current and future generations.

Looking at the agenda for this meeting, we are all realize that there are lot of effort need to be expensed to produce legitimate conservation and technical measures of the management of these

valuable resources. However, I believe that your due preparedness would be able to bring productive results.

Before I conclude my remarks, I am happy to see that a high level conference of heads of state (HOS), scientists, non-governmental organizations, journalists, private sectors and stakeholders discussing global ocean issues with the title of World Ocean Conference will be held in Manado, Indonesia in May 11th-15th 2009. I believe that this conference is a good opportunity for all of us to once again work together to address the global issues which affect our ocean.

The ocean is our region on earth with largely untapped natural resources and enormous potentials, which I believe, mankind's largest common capital for its development and survival. What we begin now in good faith and consciously to our ocean, will show our children and their children's children, the right way to utilize, research and to manage the ocean is to do it together as one.

To conclude my remarks, I am confident that Bali environment together with Mr. Chairman's effective and efficient guidance and leadership would bring a successful and fruitful meeting along this week. Lastly, allow me again to extend to all of you a warmest welcome and wish you have a wonderful and pleasant stay in Bali.

Therefore allow me with the Grace of God to say "THE THIRTEENTH SESSION OF THE INDIAN OCEAN TUNA COMMISSION MEETING IS OPENED" may God Bless our meeting.

Thank you.

On behalf of V. Adm. (Ret.) Freddy Numberi

The Minister of the Ministry of Marine Affairs and Fisheries of the Republic of Indonesia

OPENING ADDRESS BY THE CHAIRPERSON OF THE INDIAN OCEAN TUNA COMMISSION MR RONDOLPH PAYET

Prof. Widi Agus Pratikto, Secretary General of the Ministry of Maritime Affairs and Fisheries.

Mr. Gusti Putu Nuriatha, Head of Bali Maritime Affairs and Fisheries

Mr. Alejandro Anganuzzi, Executive Secretary of IOTC

Distinguished Guests,

Distinguished Representatives of Members,

Non-Contracting Cooperating Members,

Invited observers,

Ladies and gentlemen;

Let me wish you a very good morning and welcome to Bali, Republic of Indonesia for the 13th Session of the Indian Tuna Ocean Commission.

Firstly, on your behalf I would like to express our deepest thanks to the Government of the Republic of Indonesia for the kind hosting of this Commission meeting. The Government of Indonesia has provided us, in this exquisite location, excellent facilities for us to do our work.

It is a great honour for me to be addressing you today on the occasion of the opening of the 13th Session of the IOTC and the discussions, the decisions and disappointments of the last meeting are still vivid in mind. We need to achieve even more at this meeting.

This 13th Session of the Indian Ocean Tuna Commission is again taking place against the backdrop of a series of international and regional fisheries issues. There has been a constant level poor catches over the past two years in the western Indian Ocean; the climate impact on fish and the fact that our current fisheries management measures do not account for climatic driven impacts is of concern. As some of you may be aware a recent study noted that there would probably be large redistribution of species and the developing countries in the tropics will suffer the most.

Contracting parties we need to create resilience in our tuna stocks. I must however say that our measures fall short of this standard and moreover the IOTC needs to consider this aspect seriously in its assessments of the stocks.

By-catch and discards is becoming a concern in these fisheries and other related fisheries. This needs to be tackled and the recent World Bank Report (Sunken Billions-The Economic justification for Fisheries Reform) estimates a rent loss of over US\$ 10 to 20 US\$ billion if discards are to have an economic value and they do, especially in the Indian Ocean.

Ladies and Gentlemen we have indeed a very difficult task ahead of us and it is a long road that has no turnings. There is a Chinese proverb that says, to the effect, that the best time to plant a tree was twenty-five years ago and the second best time is now

Based on the recommendation of the Joint Meeting of Tuna RFMOs in Kobe in January 2007 the IOTC carried out its Performance Review and we have today in front of us the recommendations. We need to consider carefully the recommendations of the working group and ensure that we move forward on some of the most important ones.

In light of the above, we need to take a decision how we move forward on review of the IOTC agreement to bring it in line with modern principles for fisheries management; moreover its effectiveness, compliance of members, the level stock uncertainty and the need to increase support to the develop states and additional resources to the IOTC.

I would like reiterate some of the points I made at the last meeting and to remind you of tasks ahead of us.

- We do not have long-term fishing limits – such as quotas, catch limits or fishing effort measures in place consistent with the sustainability of the resource;
- Our port state controls are weak;
- Inadequate measures and resources to tackle the IUU activities which is diminishing the effectiveness of this organisation;

Fishing Capacity is also of concern and we need to ensure that the development plans while they are legitimate should be realistic and commensurate with the availability of the resources.

The NGO's, which we have seen their increased interest in this organisation, also need to play a greater role in ensuring the effectiveness of this organisation. We welcome them on board.

Finally let me thank Alejandro Anganuzzi, his Deputy and all his staff for past year's work which is commendable.

I look forward to working with all of you in an evenhanded and fair manner to achieve the desired results. I am counting on the chairpersons of the Compliance and, the Standing Committee on Finance and Administration to move forward on the different issues.

Thank you and enjoy yourself in beautiful Bali. We cannot be in any better location to do our work.

APPENDIX III
AGENDA OF THE 13TH SESSION OF IOTC

- 1. OPENING OF THE SESSION**
- 2. ADOPTION OF THE AGENDA AND ARRANGEMENTS FOR THE SESSION**
- 3. ADMISSION OF OBSERVERS**
- 4. REPORT OF THE PERFORMANCE REVIEW PANEL (IOTC-2009-RPR-R)**
- 5. CONSIDERATION OF ACTIONS TO ACHIEVE A MORE EFFECTIVE AND EFFICIENT COMMISSION**
- 6. REPORT OF THE 11TH SESSION OF THE SCIENTIFIC COMMITTEE (IOTC-2008-SC-R)**
- 7. REPORT OF THE COMPLIANCE COMMITTEE**
- 8. REPORT OF THE STANDING COMMITTEE ON ADMINISTRATION AND FINANCE**
- 9. CONSERVATION AND MANAGEMENT MEASURES** The following proposals for measures have been presented:
 1. Prop A: To mitigate the impacts of fishing on sea turtles. Submitted by France
 2. Prop B: On establishing a logbook on at-sea discharge of non degradable waste and waste waters for vessels of more than twenty-four meters. Submitted by France
 3. Prop C: Concerning incidental catches of sharks. Submitted by France
 4. Prop D: On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area. Submitted by the United Kingdom (BIOT) and Seychelles
 5. Prop E: On marine turtles. Submitted by Australia
 6. Prop F: IOTC resolution on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing. Submitted by the European Community
 7. Prop G: On an observers regional scheme. Submitted by the European Community
 8. Prop H: On the implementation of a limitation of fishing capacity of contracting parties and cooperating non-contracting parties. Submitted by the European Community
 9. Prop I: A resolution for the conservation and management of the swordfish stock in the IOTC area of competence. Submitted by the European Community
 10. Prop J: An IOTC resolution for the conservation and management of the yellowfin tuna and bigeye tuna stocks in the IOTC area of competence. Submitted by the European Community
 11. Prop K: On an IOTC Yellowfin Tuna Catch Documentation Scheme. Submitted by the European Community
 12. Prop L: IOTC resolution to prohibit the use of large scale driftnets on the high seas in the IOTC area of competence. Submitted by the European Community
 13. Prop M: An IOTC resolution for the conservation of sharks caught in association with fisheries managed by IOTC. Submitted by the European Community
 14. Prop N: An IOTC resolution concerning trade related measures. Submitted by the European Community
 15. Prop O: Concerning the conservation of sharks caught in association with fisheries managed by IOTC. Submitted by Australia
 16. Prop P: On the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna, and non-targeted species caught by purse seiners. Submitted by Seychelles

10. ANY OTHER MATTERS

- 17. Relationships with other organisations: ACAP (IOTC-2008-S13-03) and CCSBT (no document)
- 18. Concerns about vandalism on oceanographic buoys
- 19. Piracy

11. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE NEXT BIENNIUM

12. DATE AND PLACE OF THE 12TH SESSION OF THE SCIENTIFIC COMMITTEE AND THE 14TH SESSION OF THE COMMISSION

13. ADOPTION OF THE REPORT

APPENDIX IV
LIST OF DOCUMENTS

Reference / Référence	Title / Titre
Session	
IOTC-2009-S13-01	[E] Draft agenda of the commission – 13th session (29 March 2009) [F] Ordre du jour provisoire de la commission – 13e session 13 mars 2009 (29 mars 2009)
IOTC-2009-S13-02	[E + F] List of documents / Liste des documents
IOTC-2009-S13-03, -rev1 (adopted)	[E] Proposed arrangement with the secretariat for the agreement on the conservation of albatrosses and petrels and IOTC [F] Proposition d'accord entre la Commission des thons de l'océan Indien et le Secrétariat de l'Accord sur la conservation des albatros et des pétrels
IOTC-2009-S13-04	[E] Proposed amendments to the scheme for the calculation of contributions to the administrative budget of the commission contained in the annex to the financial regulations. Submitted by Belize [F] Proposition d'amendements au mode de calcul des contributions au budget administratif de la commission, tel qu'exposé dans les annexes du règlement financier. Soumise par Belize
IOTC-2009-S13-05	[E] Second joint tuna RFMO meeting , San Sebastian, Spain: 29 June to 3 July, 2009 [F] Seconde réunion conjointe des ORGP-thons, San Sebastian, Espagne, du 29 juin au 3 juillet 2009
IOTC-2009-S13-06, -rev1, rev-2, -rev3 (adopted)	[E+F] Draft Statement of IOTC Plenary on piracy in the western part of the IOTC area of competence / Proposition de Déclaration de la CTOI sur la piraterie dans la zone de compétence de la CTOI
IOTC-2009-S13-07	[E] IOTC Resolution On The Performance Review Follow-Up [F] Proposition résolution de la CTOI sur les suites à donner à l'évaluation des performances
IOTC-2009-RPR-R	[E] Report of the IOTC Performance Review Panel: January 2009 [F] Rapport du comité d'évaluation des performances de la CTOI : janvier 2009
IOTC-2008-SC-R	[E] Report of the Eleventh Session of the Scientific Committee [F] Rapport de l'onzième session du Comité scientifique
Compliance Committee	
IOTC-2009-S13-CoC01	[E] Draft agenda of the compliance committee (28 February 2009) [F] Ordre du jour provisoire du comité d'application (28 février 2009)
IOTC-2009-S13-CoC02, -add 1	[E] Application for cooperating non-contracting party status :South Africa Add1: 2009 Application for cooperating non-contracting party status :South Africa [F] Candidature au statut de partie coopérante non contractante : Afrique Du Sud Add1 : Demande de renouvellement du statut de partie coopérante non contractante (2009) : Afrique du Sud
IOTC-2009-S13-CoC03	[E] Application for cooperating non-contracting party status :Senegal [F] Candidature au statut de partie coopérante non contractante : Sénégal
IOTC-2009-S13-CoC04	[E] National reports on the progress of implementation of conservation and management measures : United Kingdom [F] Rapports nationaux sur l'application des mesures de conservation et de gestion : Royaume Uni
IOTC-2009-S13-CoC05	[E] National reports on the progress of implementation of conservation and management measures : Japan [F] Rapports nationaux sur l'application des mesures de conservation et de gestion : Japon

Reference / Référence	Title / Titre
IOTC-2009-S13-CoC06	[E] National reports on the progress of implementation of conservation and management measures: Belize [F] Rapports nationaux sur l'état de l'application des mesures de conservation et de gestion : Belize
IOTC-2009-S13-CoC07	[E] National reports on the progress of implementation of conservation and management measures :European Community [F] Rapport national sur l'application des mesures de conservation et de gestion : Communauté Européenne
IOTC-2009-S13-CoC08	[E] Information paper 2008 compliance matters reported by the United Kingdom [F] Informations relatives à l'application (2008) fournies par le Royaume Uni
IOTC-2009-S13-CoC09, rev1	[E] Report on the IOTC fisheries statistics record .Prepared by IOTC Secretariat [F] Rapport sur le registre CTOI des statistiques des pêches. Préparé par le secrétariat de la CTOI
IOTC-2009-S13-CoC10	[E] Report on the IOTC record of authorised vessels. Prepared by the IOTC Secretariat [F] Rapport sur le registre CTOI des navires autorisés à pêcher. Préparé par le secretariat de la CTOI
IOTC-2009-S13-CoC11, rev1	[E] Report on the IOTC record of active vessels. Prepared by IOTC Secretariat [F] Rapport sur le registre CTOI des navires en activité. Préparé par le Secretariat de la CTOI
IOTC-2009-S13-CoC12	[E] Report on the progress and implementation of VMS programmes. Prepared by IOTC Secretariat [F] Rapport sur la mise en place et l'avancement des programmes de SSN. Préparé par le Secretariat de la CTOI
IOTC-2009-S13-CoC13, - rev1, rev2, add 1	[E] Report on the IOTC bigeye statistical document record. Prepared by the IOTC Secretariat Add1- Concerning the IOTC bigeye tuna statistical document programme. Submitted by Seychelles [F] Rapport sur le registre des documents statistiques sur le patudo. Préparé par le Secretariat de la CTOI Add1- Concernant le programme de document statistique sur le patudo de la CTOI. Soumis par les Seychelles
IOTC-2009-S13-CoC14	[E] Concerning the IOTC IUU vessels list. Prepared by IOTC Secretariat [F] À propos de la liste des navires INN de la Commission Des Thons de L'océan Indien. Préparé par le Secrétariat de la CTOI
IOTC-2009-S13-CoC15	[E] Report on establishing a programme for transshipment by large-scale fishing vessels. Prepared by IOTC Secretariat [F] Rapport sur la mise en place d'un programme sur les transbordements par les grands navires de pêche. Préparé par le Secrétariat de la CTOI
IOTC-2009-S13-CoC16	[E] Landings by foreign vessels in the ports of CPCS. Prepared by IOTC Secretariat [F] Débarquements par des navires étrangers dans les ports des CPC. Préparé par le Secretariat de la CTOI
IOTC-2009-S13-CoC17	[E] National reports on the progress of implementation of conservation and management measures: Seychelles [F] Rapports nationaux sur l'application des mesures de conservation et de gestion : Seychelles
IOTC-2009-S13-CoC18	[E] National reports on the progress of implementation of conservation and management measures : Mauritius [F] Rapports nationaux sur l'application des mesures de conservation et de gestion : Maurice

Reference / Référence	Title / Titre
IOTC-2009-S13-CoC19	[E] National reports on the progress of implementation of conservation and management measures: Australia [F] Rapports nationaux sur l'application des mesures de conservation et de gestion : Australie
IOTC-2009-S13-CoC20, rev-1	[E] On the limitation of fishing capacity and fleet development plans. Prepared by the IOTC Secretariat [F] Sur la limitation de la capacité de pêche et les plans de développement des flottes. Préparé par le Secretariat de la CTOI
IOTC-2009-S13-CoC21	[E] Candidature au statut de partie coopérante non contractante: Uruguay [F] Candidature au statut de partie coopérante non contractante: Uruguay
IOTC-2009-S13-CoC22	[E] National reports on the progress of implementation of conservation and management measures - South Africa [F] Rapports nationaux sur l'application des mesures de conservation et de gestion – Afrique du sud
IOTC-2009-S13-CoC23	[E] National reports on the progress of implementation of conservation and management measures – France Territories [F] Rapports nationaux sur l'application des mesures de conservation et de gestion – France Territoires
IOTC-2009-S13-CoC24	[E] National reports on the progress of implementation of conservation and management measures – China [F] Rapports nationaux sur l'application des mesures de conservation et de gestion – Chine
IOTC-2009-S13-CoC25	[E] National reports on the progress of implementation of conservation and management measures – Indonesia [F] Rapports nationaux sur l'application des mesures de conservation et de gestion – Indonesia
<i>Standing Committee Administration and Finance</i>	
IOTC-2009-S13-SCAF01	[E] Provisional agenda of the standing committee on administration and finance (29 January 2009) [F] Ordre du jour provisoire du comité permanent d'administration et des finances (29 janvier 2009)
IOTC-2009-S13-SCAF03	[E] Programme of work and budget .Submitted by IOTC Secretariat [F] Programme de travail et budget .Soumis par le Secretariat de la CTOI
IOTC-2009-S13-SCAF04	[E] Financial report. Prepared by the IOTC Secretariat [F] Bilan Financier. Préparé par le secrétariat de la CTOI
<i>Proposals</i>	
IOTC-2009-S13-PropA	[E] To mitigate the impacts of fishing on sea turtles. Submitted by France [F] Pour limiter l'impact de la pêche sur les tortues de mer. Soumise par la France
IOTC-2009-S13-PropB	[E] On establishing a logbook on at-sea discharge of non degradable waste and waste waters for vessels of more than twenty-four meters. Submitted by France [F] Concernant l'établissement de cahier de rejet de déchets et eaux usées non dégradables en mer pour les navires de plus de vingt quatre mètres. Soumise par la France
IOTC-2009-S13-PropC	[E] Concerning incidental catches of sharks. Submitted by France [F] Concernant les prises accessoires de requins. Soumise par la France

Reference / Référence	Title / Titre
IOTC-2009-S13-PropD, rev1, rev2 (adopted)	[E] On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area. Submitted by the United Kingdom (BIOT) and Seychelles [F] Visant a l'établissement d'une liste de navires présumés avoir exercé des activités de pêche illégales, non règlementées et non déclarées dans la zone de compétence de la CTOI. Soumise par le Royaume Uni (BIOT) et les Seychelles
IOTC-2009-S13-PropE, rev1, rev2 (adopted)	[E] On marine turtles. Submitted by Australia [F] Concernant les tortues marines. Soumise par L'Australie
IOTC-2009-S13-PropF	[E] IOTC resolution on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing. Submitted by the European Community [F] Résolution de la CTOI sur un programme régional de mesures du ressort de l'état du port pour lutter contre la pêche illicite, non déclarée, non règlementée. Soumise par la Communauté Européenne
IOTC-2009-S13-PropG, rev1, rev2, rev3, rev4 (adopted)	[E] On an observers regional scheme. Submitted by the European Community [F] Sur un programme régional d'observateurs. Soumise par la Communauté Européenne
IOTC-2009-S13-PropH, rev1, rev2 (adopted)	[E] On the implementation of a limitation of fishing capacity of contracting parties and cooperating non-contracting parties. Submitted by the European Community [F] Concernant la mise en place d'une limitation de la capacité de pêche des parties contractantes et parties coopérantes non contractantes. Soumise par la Communauté Européenne
IOTC-2009-S13-PropI rev1	[E] A resolution for the conservation and management of the swordfish stock in the IOTC area of competence. Submitted by the European Community [F] Sur la conservation et la gestion du stock d'espadon dans la zone de compétence de la CTOI. Soumise par la Communauté Européenne
IOTC-2009-S13-PropJ, rev1 comments by AUS	[E] An IOTC resolution for the conservation and management of the yellowfin tuna and bigeye tuna stocks in the IOTC area of competence. Submitted by the European Community [F] Sur la conservation et la gestion des stocks d'albacore et de patudo dans la zone de compétence de la CTOI. Soumise par la Communauté Européenne
IOTC-2009-S13-PropK	[E] Resolution on an IOTC yellowfin tuna catch documentation scheme. Submitted by the European Community [F] Résolution concernant un programme CTOI de documentation des captures d'albacore. Soumise par la Communauté Européenne
IOTC-2009-S13-PropL, rev1	[E] IOTC resolution to prohibit the use of large scale driftnets on the high seas in the IOTC area of competence. Submitted by the European Community [F] Résolution de la CTOI interdisant l'utilisation des grands filets maillants dérivants en haute mer dans la zone de compétence de la CTOI. Soumise par la Communauté Européenne
IOTC-2009-S13-PropM	[E] An IOTC resolution for the conservation of sharks caught in association with fisheries managed by IOTC. Submitted by the European Community [F] Résolution de la CTOI concernant la conservation et la gestion des requins dans la zone de compétence de la CTOI. Soumise par la Communauté Européenne
IOTC-2009-S13-PropN	[E] An IOTC resolution concerning trade related measures. Submitted by the European Community [F] Résolution de la CTOI concernant des mesures relatives au commerce. Soumise par la Communauté Européenne
IOTC-2009-S13-PropO, rev1, rev2	[E] Concerning the conservation of sharks caught in association with fisheries managed by IOTC. Submitted by Australia [F] Concernant la conservation des requins capturés en association avec les pêcheries gérées par la CTOI. Soumise par l'Australie
IOTC-2009-S13-PropP	[E] On the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna, and non-targeted species caught by purse seiners. Submitted by Seychelles [F] Sur la mise en place d'une interdiction des rejets de listao, d'albacore, de patudo et des espèces non cibles capturés par les senneurs. Soumise par les Seychelles

APPENDIX V

EXECUTIVE SUMMARY FROM THE REPORT OF THE IOTC PERFORMANCE REVIEW PANEL

(FROM DOCUMENT IOTC-2009-S13-RPR-R)

In response to calls from the international community for a review of the performance of Regional Fisheries Management Organisations (RFMOs), the Indian Ocean Tuna Commission (IOTC) agreed in 2007 to implement a process of Performance Review. The IOTC formed a Review Panel, consisting of an independent legal expert, an independent scientific expert, six IOTC Members and a non-governmental organisations observer, which concluded its report to the Commission in January 2009. The Panel's review was based on the criteria developed as a result of a joint meeting of tuna RFMOs, Kobe, Japan, 2007 and concentrated on the following issues:

Adequacy of the Agreement for the Establishment of the Indian Ocean Tuna Commission (IOTC Agreement) relative to current principles of fisheries management,

Consistency between scientific advice and conservation and management measures adopted,

Effectiveness of control measures established by the IOTC; and

Efficiency and transparency of financial and administrative management.

KEY FINDINGS OF THE PERFORMANCE REVIEW PANEL

I. The legal framework of the IOTC Agreement:

The analysis of the legal text of the IOTC Agreement identified a series of gaps and weaknesses which can be summarized as follows:

The IOTC Agreement is outdated as it does not take account of modern principles for fisheries management. The absence of concepts such as the precautionary approach and an ecosystem based approach to fisheries management are considered to be major weaknesses. The lack of clear delineation of the functions of the Commission or flag State and port State obligations provide examples of significant impediments to the effective and efficient functioning of the Commission.

The limitation on participation to this RFMO, deriving from IOTC's legal status as an Article XIV Food and Agricultural Organisation of the United Nations (FAO) body, conflicts with provisions of United Nations Fish Stocks Agreement (UNFSA) and prevents major fishing players in the Indian Ocean from discharging their obligations to cooperate in the work of the Commission.

The IOTC relationship to FAO, most notably in the budgetary context, negatively affects the efficiency of the work of the Commission, with neither Members nor the Secretariat in full control of the budget. This also raises questions relating to the level of transparency in the Commission's financial arrangements.

The Panel recommends that the IOTC Agreement either be amended or replaced by a new instrument. The decision on whether to amend the Agreement or replace it should be made taking into account the full suite of deficiencies identified in the Review.

II. The criteria-based analysis of the performance of the Commission:

The analysis based on the Performance Review criteria highlighted numerous weaknesses in the workings of the Commission, of which the most important have been identified as:

High levels of uncertainty

The quantitative data provided for many of the stocks under the IOTC Agreement is very limited. This is due to lack of compliance, a large proportion of catches being taken by artisanal fisheries, for which there is very limited information, and lack of cooperation of non-Members of the IOTC. The data submitted to the Commission is frequently of poor quality. This contributes to high levels of uncertainty concerning the status of many stocks under the IOTC mandate.

Poor record of compliance and limited tools for addressing non-compliance

Low levels of compliance with IOTC measures and obligations are commonplace. The Commission to date has taken very limited actions to remedy this situation – there are currently no sanctions/penalties for non-compliance in place. Moreover, the list of illegal, unreported and unregulated (IUU) vessels applies to non-Members only.

Special requirements of developing States

Many developing States are experiencing serious capacity/infrastructure constraints which impede their ability to comply with their obligations, especially in terms of data collection, reporting and processing. A number of developing States also lack appropriate scientific expertise and, even where such expertise is available, budgetary constraints limit their participation in Commission meetings, particularly those of the Scientific Committee and working parties.

III. In light of these findings, and in addition to the specific recommendations made against each of the criteria, the Review Panel draws the Commission's attention to the following overarching issues

Uncertainty

Addressing uncertainty in data and in the stock assessments is one of the most fundamental and urgent actions required to improve the performance of the Commission. This will require a variety of actions of which the most important are: application of scientific assessment methods appropriate to the data/information available, establishing a regional scientific observer programme to enhance data collection for target and non-target species, and improving data collection and reporting capacity of developing States. Also engaging non-Members actively fishing in the area is of critical importance to addressing uncertainty. Equally important are developing a framework to take action in the face of uncertainty in scientific advice and enhancement of functioning and participation in the Scientific Committee and subsidiary bodies.

Compliance

It is imperative to strengthen the ability of the Compliance Committee to monitor non-compliance and advise the Commission on actions which might be taken in response to non-compliance. Sanction mechanisms for non-compliance and provisions for follow-up on infringements should be developed. The Resolution on the establishment of the IUU list should be amended to allow for the inclusion of vessels flagged to Members.

Special requirements of developing States

Increased financial support for capacity building should be provided to developing States. The Commission should enhance already existing funding mechanisms to build developing States' capacity for data collection, processing and reporting, as well as technical and scientific capabilities. In this context, the possibility of establishing a special fund to facilitate participation in the Commission's work, including subsidiary groups should be considered. Strengthening the Secretariat's role/ability to undertake targeted capacity building should be explored.

APPENDIX VI
TERMS OF REFERENCE FOR A WORKING PARTY ON FISHING CAPACITY

Background

The Commission has requested information on fishing capacity within the IOTC area in order to inform its management decisions.

Capacity analysis must be linked to policy needs. It must be set in context:

Globally overcapacity exists relative to tuna fishery resources. It is a global problem that requires a coordinated global response. Nevertheless there are issues that IOTC can examine 'locally';

- The fisheries are multispecies for tunas and tuna like species though some targeting is possible and therefore target switching can complicate evaluation of fishing capacity.
- It is a multi-gear fishery with vessels of different characteristics (purse seine +/- FADS; longlines; pole and line, multi-gear artisanal fisheries); increases in fishing power can occur over time with technological development.
- In the IOTC area artisanal fisheries are a particular factor that needs to be considered. They account for about half the catch.

Terms of Reference:

The Working Party on Fishing Capacity is expected to undertake the following work over several years. This working party shall not only focus on estimation of fishing capacity. It should also provide information that will enable the implementation of capacity controls by IOTC.

- 1) Review methods reviewed by the FAO Technical Advisory Committee on Tuna Fishing Capacity and by other RFMOs, national management bodies, and other institutions to estimate and manage fishing capacity;
- 2) Investigate the most suitable methods currently available to determine fishing capacity that can be applied in the Indian Ocean. Review any additional data requirements to apply those methods in IOTC;
- 3) Define the factors affecting fishing capacity that can be managed by IOTC;
- 4) Determine the fishing capacity of the existing tuna fishing fleets relative to the status of the resources;
- 5) Determine the relative fishing capacities of different vessel/gears categories.

APPENDIX VII
SCHEDULE OF IOTC TECHNICAL MEETINGS IN 2009

	Date and place	Major topics to be covered
Working Party		
Billfish	6 to 10 July. Seychelles.	<ul style="list-style-type: none"> • Stock assessment for swordfish • Review stock indicators for marlins and sailfish
Ecosystems and Bycatch	12 to 14 October (3 days), Mombasa, Kenya	<ul style="list-style-type: none"> • Review data available at the Secretariat • Review availability of observers data • Analysis of new information on sharks, seabirds, sea turtles and sea mammals • Consideration of ecosystem approaches (including ERA)
Tropical Tunas	15 to 23 October (5 days), Mombasa, Kenya	<ul style="list-style-type: none"> • Stock assessment for yellowfin tuna • Stock assessment for skipjack tuna • Stock assessment for bigeye tuna • External analyses from tagging data (15 October)
Fishing Capacity	22 October (1 day), Mombasa, Kenya	<ul style="list-style-type: none"> • to be determined by the Commission
Neritic tunas	To be advised	-
Scientific Committee		
12 th Session	30 November – 4 December , Seychelles	

APPENDIX VIII
REPORT OF THE SIXTH SESSION OF THE COMPLIANCE COMMITTEE

1) OPENING OF THE SESSION

1. The Sixth Session of the Compliance Committee of the Indian Ocean Tuna Commission was held during the 13th Session of the Commission and chaired by Dr John Kalish (Australia).

2) ADOPTION OF THE AGENDA

2. The Compliance Committee adopted the Agenda as presented in Annex I to this report. The documents before the Committee are listed in Appendix IV to the main report.

3) NATIONAL REPORTS ON THE PROGRESS OF IMPLEMENTATION OF CONSERVATION AND MANAGEMENT MEASURES

3. The Committee noted the national reports provided by Australia, Belize, China, European Community, France Territories, Japan, Mauritius, Seychelles, South Africa and the United Kingdom (OT).
4. The Committee emphasized the importance of the national reports and reminded Members of their obligation under Art X.2 of the IOTC Agreement to provide them no later than 60 days before the Session. The Committee also requested that the Secretariat develop, in consultation with the Members intersessionally, a national report template for use in 2010.

4) STATUS OF THE APPLICATION OF IOTC CONSERVATION AND MANAGEMENT MEASURES

Review of Member compliance with IOTC Resolution 01/05 on mandatory fisheries statistics requirements for IOTC members

5. The Secretariat presented document IOTC-2009-S13-CoC09-Rev1 describing the status of reporting of statistical data by CPC's and non-CPC's for the year 2007.
6. The Committee reiterated its concern that many data sets received from Members were incomplete, in particular size frequency data. The Committee urged all CPCs to take the necessary steps to meet IOTC fisheries data requirements.
7. Japan updated the Committee on improvements being made to its reporting capabilities. These are expected to expedite data submission however, while the data for 2008 will only be partially covered by this new system, the data for 2009 will be submitted on time.

Review of member compliance with Resolution 07/02 on the IOTC record of authorised vessels

8. The Secretariat presented document IOTC-2009-S13-CoC10 describing the status of reporting by CPC's in accordance with IOTC Resolution 07/02 *Concerning the establishment of an IOTC record of vessels authorised to operate in the IOTC area.*
9. The Committee noted that many authorized vessel records do not contain the time period that the vessels are authorized for fishing or transshipping, as required in resolution 07/02, and called on CPCs to make a special effort to provide this information as soon as possible.
10. The Committee also reiterated the importance of reporting vessel volume as Gross Tonnage (GT) instead of GRT as GT is the standard measurement of vessel volume, in accordance with Resolution 07/02.

Review of member compliance with IOTC Resolution 07/04 on the IOTC list of active vessels

11. The Secretariat presented document IOTC-2009-S13-CoC11-Rev1 on the status of reporting by CPC's and non-CPC's, in accordance with IOTC Resolution 07/04 (previously 05/04 and 98/04) *Concerning registration and exchange of information on vessels fishing for tunas and swordfish in the IOTC Area.*
12. The Committee expressed its concern that some members had not provided all the data required for this Resolution for the years 2006 and 2007, and noted that unless these data are provided, the Commission will be unable to meet the objectives of Resolution 06/05 or Resolution 07/05 concerning the limitation of fishing capacity for vessels targeting tropical tunas, and swordfish and albacore.
13. India informed the Committee that a list of active vessels was submitted in February 2009.
14. It was noted that Mauritius had submitted data for 2006.

Review of Member compliance with IOTC Resolution 05/03 on port inspections

15. The Secretariat presented document IOTC-2009-S13-CoC16 describing the status of reporting by CPC's in accordance with IOTC Resolution 05/03 *Relating to the establishment of an IOTC programme of inspection in port.*
16. The Committee, noting that only four CPC's had submitted their information, reiterated its concern about the overall lack of reporting by CPCs receiving foreign vessels in their ports.

Review of Member compliance with IOTC Resolution 01/06 concerning the IOTC bigeye tuna statistical document programme

17. The Secretariat presented document IOTC-2009-S13-CoC13-Rev2, describing the status of reporting by CPC's in accordance with IOTC Resolution 01/06 *Concerning the IOTC bigeye tuna statistical document programme.*
18. Seychelles sought guidance on the interpretation of the Resolution in the event that a cannery does not process a consignment of imported bigeye and at a later date decides to re-export it; in particular, should such an export be accompanied by Statistical documentation or is the exemption (for canneries) still applicable.
19. The Committee advised that any such re-exportation should be accompanied by the appropriate Statistical documentation.
20. The EC stressed that it was time to fully implement the Statistical Document Programme and include fresh tuna products as stated in paragraph 13 of Resolution 01/06.

Japan stressed that if fresh tuna products are to be included in the measure, then the measure should be further expanded to cover bigeye tuna caught by purse seiners and pole and line (bait) vessels and destined principally for the canneries in the IOTC Area.

Review of Member compliance with IOTC Resolution 06/03 concerning the vessel monitoring programme

21. The Secretariat presented document IOTC-2009-S13-CoC12 describing the status of reporting by CPC's in accordance with IOTC Resolution 06/03 *on establishing a vessel monitoring programme.*

22. The Committee expressed its concern about the low rate of implementation and the lack of reports submitted by Members on the Progress and Implementation of VMS in accordance with Resolution 06/03 and requested that the Secretariat develop, in consultation with the Members, a report template for future use.

Review of Member compliance with IOTC Resolution 08/02 on establishing a programme for transshipment by large-scale fishing vessels

23. The Secretariat presented document IOTC-2009-S13-CoC15 informing the Committee on the implementation of the programme since 1 January 2009 as well as details of the transshipments undertaken to date.

On the limitation of fishing capacity and fleet development plans

24. In response to a request by the European Community, the Secretariat presented a document summarizing the information received in accordance with IOTC Resolution 06/05 *On the limitation of fishing capacity, in terms of number of vessels, of IOTC contracting parties and co-operating non contracting parties* and IOTC Resolution 07/05 *Limitation of fishing capacity of IOTC Contracting Parties and Cooperating non-Contracting Parties in terms of number of longline vessels targeting swordfish and albacore*.
25. This report showed the level of fishing capacity for each CPC based on the number of active vessels reported by CPCs for the year 2006 (targeting tropical tunas) and 2007 (targeting swordfish and albacore tuna), including information from the existing fleet development plans.
26. India informed the Committee that it expects to submit a fleet development plan in the future.
27. South Africa informed the Committee of a delay in the implementation of its fleet development plan.
28. Indonesia informed the Committee that it expects to submit a fleet development plan in the future.

5) IOTC IUU VESSELS LIST

Deliberations in relation to Resolution 06/01 On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area.

29. The Secretariat presented document IOTC-2009-S13-CoC14 relating to the IOTC IUU vessels list. No new nominations for the list were received since the last meeting. The IOTC IUU vessels list currently contains three vessels.
30. The Committee recommended that the Commission adopt the provisional IUU list.

6) REVIEW OF REQUESTS FOR ACCESS TO THE STATUS OF COOPERATING NON-CONTRACTING PARTY

South Africa

31. South Africa presented its application for status of Cooperating non-Contracting Party to the Committee (IOTC-2009-S13-CoC02 and CoC02-add1). South Africa informed the Committee that it intends to accede to the IOTC before the next Session. The Committee recommended that the Commission grant Cooperating non-Contracting Party status to South Africa until the 14th Session of the Commission.

Senegal

32. The Committee took note of the application by Senegal for status of Cooperating non-Contracting Party to the Committee (IOTC-2009-S13-CoC03). The Committee recommended that the Commission grant Cooperating non-Contracting Party status to Senegal until the 14th Session of the Commission.

Uruguay

33. The Committee took note of Uruguay's application for status of Cooperating non-Contracting Party to the Committee (IOTC-2009-S13-CoC21). The Committee recommended that the Commission grant Cooperating non-Contracting Party status to Uruguay until the 14th Session of the Commission.

7) REVIEW OF CONSERVATION AND MANAGEMENT MEASURES PROPOSALS

On establishing a list of vessels presumed to have carried out illegal, unreported and unregulated fishing in the IOTC area

34. Resolution proposal IOTC-2009-S13-PropD was submitted by the United Kingdom (BIOT) and Seychelles.
35. Following technical discussions a revised Proposal D (rev2) was produced and the Committee recommended it be presented to the Commission for adoption.

On a regional scheme of Port State Measures to combat Illegal, Unreported and Unregulated Fishing

36. Resolution proposal IOTC-2009-S13-PropF (submitted by the EC) was discussed.
37. The Committee noted that the basis of this measure was the FAO Model Scheme on Port State Measures and recommended to the Commission that further progress within the FAO context should guide the Commission while considering development of a legally binding instrument.

On an observers regional scheme

38. Resolution proposal IOTC-2009-S13-PropG was submitted by the EC.
39. Following technical discussions a revised Proposal G (rev1) was produced and the Committee agreed to defer the further consideration of this proposal to the Commission.

On an IOTC Yellowfin Tuna Catch Documentation Scheme

40. Resolution proposal IOTC-2009-S13-PropK was submitted by the EC.
41. Following technical discussions this proposal was withdrawn; however, the Committee agreed that a catch document scheme might have merit for some species and invited participants at the forthcoming second joint meeting of the tuna RFMO's in San Sebastian, Spain, to initiate discussions on this.

To prohibit the use of large scale driftnets on the high seas in the IOTC area of competence

42. Resolution proposal IOTC-2009-S13-PropL was submitted by the EC.
43. Following technical discussions a revised Proposal D (rev1) was produced and the Committee recommended it be presented to the Commission for adoption.

Concerning trade related measures

44. Resolution proposal IOTC-2009-S13-PropN was submitted by EC.
45. Following technical discussions, the Committee agreed to defer the further consideration of this proposal to the Commission.

On the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna, and non-targeted species caught by purse seiners

46. Resolution proposal IOTC-2009-S13-PropP was submitted by Seychelles
47. Following technical discussions this Proposal was withdrawn.
48. The Compliance Committee was informed that the purported annual level of tuna discards in the Indian Ocean was around 5% of the total catch. The EC informed the Committee that the levels of tuna discards by the European purse seine fleet was around 2.6% of the total catch of all species. To confirm the accuracy of this figure, the Compliance Committee requested that the Scientific Committee submit an estimate of the level of tuna discards in the Indian Ocean at its next Session.

On marine turtles

49. Resolution proposals IOTC-2009-S13-PropA (submitted by France (OT)) and Prop E (submitted by Australia) were considered together.
50. Following technical discussions a revised Proposal E (rev2) was produced and the Committee agreed to defer further consideration of this proposal to the Commission.

Concerning the conservation of sharks caught in association with fisheries managed by IOTC

51. Resolution proposals IOTC-2009-S13-PropC (submitted by France (OT)), Prop M (submitted by the European Community) and Prop O (submitted by Australia) were considered together.
52. Following technical discussions a revised Proposal O (rev2) was produced and the Committee agreed to defer further consideration of this proposal to the Commission.

8) ANY OTHER MATTERS

53. No other matter were raised.

9) ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE NEXT BIENNIUM

54. The Committee elected Dr John Kalish (Australia) as Chairperson of the Compliance Committee for the next biennium. Mr Abilio Dominguez (Belize) was elected as Vice-Chairperson.

10) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

55. The report of the Sixth Session of the Compliance Committee of the Indian Ocean Tuna Commission was adopted on 3 April 2009.

ANNEX I TO COMPLIANCE COMMITTEE REPORT
AGENDA

1. Opening of the Session

2. Adoption of the Agenda

3. National Reports on the Progress of implementation of Conservation and Management measures

United Kingdom (CoC04 and CoC08), Japan (CoC05), Belize (CoC06), European Community (CoC07), Seychelles (CoC17), Mauritius (CoC18), Australia (CoC19), South Africa (CoC22), France Territories (CoC23), China (CoC24).

4. Status of the application of IOTC conservation and management measures

- a. Reporting of mandatory statistics – Res 01/05 (CoC09-rev1)
- b. Record of Authorized Vessels – Res 05/02 (CoC10)
- c. Record of Vessels Active during 2007 – Res 07/04 (CoC11-rev1)
- d. Report on Port Inspections – Res 05/03 (CoC16)
- e. Bigeye Tuna Statistical Document Programme – Res 01/06 (CoC13-rev2 and CoC13-add1)
- f. Progress on implementation of VMS – Res 06/03 (CoC12)
- g. Monitoring programme for transshipment-at-sea – Res 06/02 (CoC15)
- h. limitation of fishing capacity (CoC20-rev1)

5. Review of the draft IUU Vessels List (CoC14)

Information paper 2008 compliance matters reported by the United Kingdom (CoC08)

6. Review of requests for access to the status of Cooperating Non-Contracting Party

South Africa (CoC02 and CoC02-add1), Senegal (CoC03), Uruguay (CoC21)

7. Conservation and management proposals

- Prop A: To mitigate the impacts of fishing on sea turtles submitted by France (OT) and Prop E: On marine turtles submitted by Australia.
- Prop C: Concerning incidental catches of sharks submitted by France (OT), Prop M: An IOTC resolution for the conservation of sharks caught in association with fisheries managed by IOTC submitted by the European Community, and Prop O: Concerning the conservation of sharks caught in association with fisheries managed by IOTC submitted by Australia.
- Prop D: On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area. Submitted by the United Kingdom (BIOT) and Seychelles.
- Prop F: IOTC resolution on a regional scheme on port state measures to combat illegal, unreported and unregulated fishing. Submitted by the European Community.
- Prop G: On an observers regional scheme. Submitted by the European Community.
- Prop K: On an IOTC Yellowfin Tuna Catch Documentation Scheme. Submitted by the European Community.
- Prop L: IOTC resolution to prohibit the use of large scale driftnets on the high seas in the IOTC area of competence. Submitted by the European Community.
- Prop N: An IOTC resolution concerning trade related measures. Submitted by the European Community
- Prop O: Concerning the conservation of sharks caught in association with fisheries managed by IOTC. Submitted by Australia.
- Prop P: On the implementation of a ban on discards of skipjack tuna, yellowfin tuna, bigeye tuna, and non- targeted species caught by purse seiners. Submitted by Seychelles.

8. Any other matters

9. Election of Chairperson and Vice-Chairperson for the next biennium

10. Adoption of the report

APPENDIX IX
IOTC IUU VESSELS LIST

AS DECLARED BY THE COMMISSION AT ITS 13TH SESSION
(3 APRIL 2009)

Current name of vessel (previous names)	Current flag (previous flags)	Date first included on IOTC IUU Vessels List	Lloyds/IMO number	Photo	Call sign (previous call signs)	Owner / beneficial owners (previous owners)	Operator (previous operators)	Summary of IUU activities
Ocean Lion	Unknown (Equatorial Guinea)	June 2005	7826233	-				Contravention of IOTC Resolution 02/04, 02/05, 03/05.
Yu Maan Won	Unknown (Georgia)	May 2007						
Gunuar Melyan 21	Unknown	June 2008						

APPENDIX X
REPORT OF THE SIXTH SESSION OF THE STANDING COMMITTEE ON ADMINISTRATION
AND FINANCE

1) OPENING OF THE SESSION

1. The Sixth Session of the Standing Committee on Administration and Finance (SCAF) of the Indian Ocean Tuna Commission was held during the 13th Session of the Commission. In the absence of the Chair of the SCAF, Mr Geoffrey Nanyaro (Tanzania), the meeting was chaired by Mr. Godfrey Monor (Kenya).

2) ADOPTION OF THE AGENDA

2. The SCAF adopted the Agenda as presented in Annex I to this report. The documents before the SCAF are listed in Appendix IV to the main report.

3) PROGRESS REPORT OF THE SECRETARIAT

3. The Committee noted the Secretary's report on the Secretariat's activities and other relevant administrative matters in 2008 (IOTC-2009-S13-SCAF02).
4. The Committee expressed its concerns regarding the late delivery of the Progress Report of the Secretariat, reiterating the importance for the Members to receive this report at least 30 days in advance of the Plenary Meeting so that the internal consultations can be completed prior to arrival at the meeting.

4) FINANCIAL STATEMENT

5. The Secretary introduced this agenda item based on document (IOTC-2009-S13-SCAF04) the Financial Report.
6. The Committee took note of the financial statement.

5) PROGRAMME OF WORK AND BUDGET

7. The Secretary presented the IOTC Programme of Work and Budget for 2009 (IOTC-2009-S13-SCAF03).
8. The Committee requested that in the future the budget should include a greater level of detail.
9. The Committee discussed a range of areas that might benefit from the use of the accumulated funds including capacity building exercises in MCS, fisheries data and science. The Committee agreed that there was a need to prioritize the use of the accumulated funds and deferred the identification of possible funding areas to the Commission.
10. The Committee did not reach an agreement on whether EUR 100,000 of Commission funds should be allocated to the tagging symposium recommended by the Scientific Committee and deferred further consideration of this matter to the Commission.
11. The Committee took note of the additional staffing proposed by the Scientific Committee (Science Officer, Communications Expert and Fisheries Statistician) and deferred further consideration of this matter to the Commission.
12. In view of several pending matters to be addressed by the Compliance Committee and the Commission, the SCAF deferred the endorsement of the 2009 Programme of Work and adoption of the 2009 IOTC Budget, as presented in Annex II, to the Plenary of the Commission.

6) ANY OTHER MATTERS

13. Belize presented document IOTC-2009-S13-04 outlining a proposal to review the formula for calculating Member contributions in particular by increasing the importance of the catch component in the calculation

14. The Committee took note of the concerns raised by Belize and agreed that due to the complexity of this matter, it deserved greater future consideration.

7) ADOPTION OF THE REPORT AND CLOSURE OF THE MEETING

15. The report of the Sixth Session of the Standing Committee on Administration and Finance of the Indian Ocean Tuna Commission was adopted on 2 April 2009.
16. The Committee thanked the Secretary for presenting comprehensive and clear reports on the Commission's finances and the proposed work and budget.

ANNEX I TO THE SCAF REPORT
AGENDA

1. OPENING OF THE SESSION
2. ADOPTION OF THE AGENDA
3. PROGRESS REPORT OF THE SECRETARIAT
4. FINANCIAL STATEMENT
5. PROGRAMME OF WORK & BUDGET FOR 2009-2010
6. ANY OTHER MATTERS
 - Proposed Amendments to the Scheme for the Calculation on Contributions to the Administrative Budget of the Commission Contained in the Annex to the Financial Regulations.
7. ADOPTION OF THE REPORT

ANNEX II TO THE SCAF REPORT
Proposed budget for 2009 and indicative budget for 2010, in US \$.

	2009	2010
Gross salary costs (before deductions)		
Professional		
Executive Secretary	149,578	157,057
Deputy Secretary	123,839	130,031
Data Coordinator	121,146	127,203
Data Analyst/ Programmer	108,619	114,050
Compliance Officer	90,870	95,414
Stock Assessment Expert	110,000	115,500
Tagging Expert	64,635	67,867
General Service		
Administrative Assistant	11,385	11,954
Compliance Assistant	10,000	10,500
Programme Assistant	11,000	11,550
Database Assistant	12,306	12,921
Bilingual Secretary	8,108	8,513
Driver	8,220	8,631
Overtime	2,100	2,205
Total Salary costs	831,806	873,396
Employer contributions to Pension Fund and health insurance	187,496	196,871
Employer contribution to FAO entitlement fund	150,171	157,680
Total staff costs	1,169,473	1,227,947
Operating Expenditures		
Consultants	75,000	78,750
Duty travel	134,500	141,225
Meetings	50,000	52,500
Interpretation	98,000	102,900
Translation	54,000	56,700
Equipment	40,000	42,000
Operating expenses	65,000	68,250
Printing	7,500	7,875
Contingencies	52,400	55,020
Total Operating Expenditures	576,400	605,220
SUB-TOTAL	1,745,873	1,833,167
Additional Contributions Seychelles	8,500	8,500
TOTAL	1,737,373	1,824,667
FAO Servicing Costs	78,564	82,493
GRAND TOTAL	1,815,937	1,907,160

ANNEX III TO THE SCAF REPORT

Indicative Scale of Contributions for 2009

Country	World Bank Classification in 2006 ²	OECD Membership	Average catch for 2004-2006 (in metric tons)	Contribution (in USD)
Australia	High	Yes	7,115	104,237
Belize	Middle	No	1,078	34,835
China	Middle	No	135,816	69,481
Comoros	Low	No	10,765	17,149
Eritrea	Low	No	Below 400 t	6,485
European Community	High	Yes	301,372	482,556
France(Terr)	High	Yes	2,001	97,662
Guinea	Low	No	781	14,582
India	Low	No	108,173	42,196
Indonesia	Middle	No	208,532	88,179
Iran, Islamic Republic of	Middle	No	181,798	81,305
Japan	High	Yes	48,239	157,110
Kenya	Low	No	1,942	14,880
Korea, Republic of	High	Yes	7,353	104,543
Madagascar	Low	No	12,246	17,530
Malaysia	Middle	No	19,059	39,459
Mauritius	Middle	No	1,947	35,059
Oman	Middle	No	35,391	43,658
Pakistan	Low	No	25,217	20,865
Philippines	Middle	No	3,749	35,522
Seychelles	Middle	No	95,999	59,243
Sierra Leone	Low	No	Below 400 t	6,485
Sri Lanka	Middle	No	117,576	64,791
Sudan	Low	No	Below 400 t	6,485
Tanzania	Low	No	3,216	15,208
Thailand	Middle	No	31,184	42,576
United Kingdom(Terr)	High	Yes	Below 400 t	87,194
Vanuatu	Middle	No	Below 400 t	26,663
Total				1,815,938³

² In 2006, the World Bank classified countries as low income if the per capita GNI was less than US\$906; as high income if it was higher than US\$11,115, and as middle income those countries with per capita GNI between US\$905 and US\$11,115.

³ There is a 1 US \$ discrepancy due with the total budget presented in 2009 due to rounding.

APPENDIX XI
RESOLUTIONS ADOPTED DURING THE SESSION

**RESOLUTION 2009/01
ON THE PERFORMANCE REVIEW FOLLOW-UP**

The Indian Ocean Tuna Commission,

CONSIDERING the course of action agreed at the meeting of the five Tuna Regional Fisheries Management Organizations (RFMOs) held in Kobe in January 2007, and in particular the commitment to undertake Performance Reviews of each Tuna RFMOs in order to strengthen the effectiveness of the Organizations;

TAKING NOTE of the decision taken by the IOTC at its 11th Plenary session in May 2007 to undertake an IOTC Performance Review;

CONSIDERING the report of the IOTC Performance Review Panel (PRP) as analyzed by the Commission at its 13th Plenary session held in Bali (Indonesia) in March/April 2009;

RECOGNISING that a number of the recommendations arising from the PRP report can be progressed by individual Members, including through proposing draft resolutions for consideration by the Commission, while other initiatives may benefit from consideration by relevant committees of the Commission;

RESOLVES:

1. That all deficiencies in the IOTC Agreement inhibiting the Commission's ability to perform its mandate consistent with internationally-agreed principles of fisheries conservation and management must be addressed, in accordance with international law.
2. In considering options to address all deficiencies in the current Agreement, all avenues recommended by the PRP in its report should be explored by IOTC Members in order to achieve the objective determined in paragraph 1.
3. With respect to the list of recommendations arising from the PRP report and annexed to this Resolution, Members are encouraged to bring forward draft resolutions for the consideration by the Commission at its session in 2010.
4. That the Scientific Committee (SC), the Compliance Committee (CoC) and the Standing Committee on Administration and Finance (SCAF) be tasked with producing a work plan, including identifying priorities and a timetable, in accordance with Annex I.
5. The three Committees shall provide their respective work plans to the Commission for consideration at its session in 2011.
6. If necessary, in order to consider some specific issues, IOTC Heads of Delegation meetings could be convened.
7. IOTC Members can undertake inter-sessional consultations on issues of common interest related to the IOTC Performance Review.

APPENDIX I

ON THE IOTC AGREEMENT – A LEGAL ANALYSIS	
1. The final conclusion of the Panel is that the Agreement is outdated and there are many areas for improvement. The weaknesses and gaps identified are, or have a potential to be, major impediments to the effective and efficient functioning of the Commission and its ability to adopt and implement measures aimed at long-term conservation and sustainable exploitation of stocks, according to model fisheries management instruments. More fundamentally, these deficiencies are likely to prevent the Commission from achieving its basic objectives.	<i>Commission and Members</i>
2. Consequently, the Panel recommends that the IOTC Agreement either be amended or replaced by a new instrument. The decision on whether to amend the Agreement or replace it should be made taking into account the full suite of the deficiencies identified.	<i>Commission and Members</i>
ON CONSERVATION AND MANAGEMENT	
Data collection and sharing	
<i>The Panel identified a poor level of compliance by many IOTC Members. with their obligations, notably those related to the statistical requirements on artisanal fisheries and sharks, and recommends that:</i>	
3. The timing of data reporting be modified to ensure that the most recent data are available to the working parties and the Scientific Committee.	<i>Scientific Committee</i>
4. The deadline to provide data on active vessels be modified to a reasonable time in advance of the meeting of the Compliance Committee. This deadline is to be defined by the Compliance Committee.	<i>Compliance Committee</i>
5. The scheduling of meetings of the working parties and Scientific Committee be investigated based on the experience of other RFMOs. This should bear in mind the optimal delivery of scientific advice to the Commission.	<i>Scientific Committee</i>
6. The Commission task the Scientific Committee with exploring alternative means of communicating data to improve timeliness of data provision.	<i>Scientific Committee</i>
7. Non-compliance be adequately monitored and identified at individual Member level, including data reporting.	<i>Compliance Committee</i>
8. The causes of non-compliance be identified in cooperation with the Member concerned.	<i>Compliance Committee</i>

<p>9. When the causes of non-compliance are identified and all reasonable efforts to improve the situation are exhausted, any Member or non-Member continuing to not -comply be adequately sanctioned (such as market related measures).</p>	<p><i>Compliance Committee</i></p>
<p>10. There is a need to improve the quality and quantity of the data collected and reported by the Members, including the information necessary for implementing the ecosystem approach. The most immediate emphasis should be placed on catch, effort and size frequency. The Panel also recommends that:</p>	<p><i>Scientific Committee</i></p>
<p>11. Support for capacity building be provided to developing States - the Commission should enhance funding mechanisms to build developing country CPCs' capacity for data collection, processing and reporting infrastructures, in accordance with the Commission requirements.</p>	<p><i>Standing Committee on Administration and Finance and Finance</i></p>
<p>12. A regional scientific observer programme to enhance data collection (also for non-target species) and ensure a unified approach be established, building on the experience of other RFMOs, Regional standards on data collection, data exchanged and training should be developed.</p>	<p><i>Scientific Committee</i></p>
<p>13. Actions be taken so that fishing fleets, especially Maldives, Taiwan, Province of China and Yemen participate in data collection and reporting.</p>	<p><i>Commission</i></p>
<p>14. A relationship with Taiwan, Province of China be developed in order to have data access when needed, to all its fleet data as well as historical series, and address the problems deriving from the current legal framework.</p>	<p><i>Commission and Members</i></p>
<p>15. The Secretariat's capacity for data dissemination and quality assurance be enhanced, including through the employment of a fisheries statistician.</p>	<p><i>Standing Committee on Administration and Finance via Scientific Committee</i> <i>Commission</i></p>
<p>16. A statistical working party be established to provide a more efficient way to identify and solve the technical statistical questions.</p>	<p><i>Scientific Committee</i></p>
<p>17. The obligation incumbent to a flag State to report data for its vessels be included in a separate Resolution from the obligation incumbent on Members to report data on the vessels of third countries they licence to fish in their exclusive economic zones (EEZs).</p>	<p><i>Compliance Committee</i></p>

<p><i>In relation to non-target species, the panel recommends that:</i></p> <p>18. The list of shark species for which data collection is required in Recommendation 08/04 be expanded to include the five species identified by the Scientific Committee (blue shark, shortfin mako, silky shark, scalloped hammerhead, oceanic whitetip), and apply to all gear types.</p>	<p><i>Commission</i></p>
<p>19. The Secretariat's capacity to provide support to developing States' Members should be enhanced.</p>	<p><i>Commission and Standing Committee on Administration and Finance</i></p>
<p>20. Cooperative capacity building efforts amongst Members and, as appropriate external organizations, should be encouraged.</p>	<p><i>Members and Secretariat</i></p>
<p>21. Innovative or alternative means of data collection (e.g. port sampling) should be explored and, as appropriate, implemented.</p>	<p><i>Scientific Committee</i></p>
<p>22. Avenues to collect data from non-Members should be explored.</p>	<p><i>Secretariat</i></p>
<p>Quality and provision of scientific advice</p>	
<p>23. For species with little data available, the Scientific Committee should be tasked with making use of more qualitative scientific methods that are less data intensive.</p>	<p><i>Scientific Committee</i></p>
<p>24. More emphasis should be given to adherence to data collection requirements.</p>	<p><i>Compliance Committee</i></p>
<p>25. Confidentiality provisions and issues of accessibility to data by the scientists concerned needs to be clearly delineated, and/or amended, so that analysis can be replicated.</p>	<p><i>Scientific Committee</i></p>
<p>26. The resources of the IOTC Secretariat should be increased. Even though some progress will be made with recruitment of the stock analysis expert, some additional professional staffing is required.</p>	<p><i>Standing Committee on Administration and Finance on advice from Committees and the Commission</i></p>

27. To enhance the quality of scientific advice and the technical soundness of the papers being considered by the Scientific Committee and its working parties, and to encourage publication of IOTC scientific papers in relevant journals, future consideration should be given to the establishment of a scientific editorial board within the Scientific Committee	<i>Scientific Committee</i>
28. An online IOTC Data Summary should be established	<i>Secretariat</i>
29. Ongoing peer review by external experts should be incorporated as standard business practice of working parties and the Scientific Committee.	<i>Scientific Committee</i>
30. New guidelines for the presentation of more user friendly scientific reports in terms of stock assessments should be developed. In this respect, Kobe plots are considered to be the most desirable method of graphical presentation, especially to non-technical audience.	<i>Scientific Committee</i>
31. A special fund to support the participation of scientists from developing States should be established.	<i>Standing Committee on Administration and Finance</i>
32. The Commission should renew efforts to convene meetings of the Working Party on Neritic Tunas	<i>Commission</i>
Adoption of conservation and management measures	
33. As the IOTC has faced the management of the main targeted stock under its purview only through a regulation of the fishing effort; other approaches should be explored, such as those envisioned in Resolution 05/01, including catch limits, total allowable catch (TAC) or total allowable effort (TAE).	<i>Commission</i>
34. Within the system of the freezing of fishing effort in terms of number of vessels and correspondent capacity in gross tonnage, a deadline should be agreed for the implementation of fleet development plans.	<i>Commission</i>
35. IOTC should consider developing a framework to take action in the face of uncertainty in scientific advice.	<i>Scientific Committee and Commission</i>
36. IOTC should use the full range of decision making processes available to it under the Agreement.	<i>Commission</i>
37. The IOTC Agreement needs to be amended or replaced in order to incorporate modern fisheries management principles, such as the precautionary approach.	<i>Commission and Members</i>
38. Pending the amendment or replacement of the Agreement, the Commission should implement the precautionary approach as set forth in the UNFSA.	<i>Commission</i>

39. Measures to regulate shark fisheries should be considered by the Commission.	<i>Commission</i>
40. There is a need to develop and take into account modern principles for fisheries management, including ecosystem based approach, protection of marine biodiversity and reducing the harmful impacts of fishing on marine environment.	<i>Commission and Members</i>
41. These concepts should be integrated in the IOTC Agreement.	<i>Commission and Members</i>
Capacity management	
42. IOTC should establish a stronger policy on fishing capacity to prevent or eliminate excess fishing capacity.	<i>Working Party on Fishing Capacity Scientific Committee Commission</i>
43. Loopholes in the current systems of fishing capacity limitation, such as the establishment of fleet development plans and exemptions for vessels less than 24 meters, should be closed.	<i>Working Party on Fishing Capacity Commission</i>
44. IOTC should endorse the recommendation of the Scientific Committee to create a Working Group on Fishing Capacity.	<i>Commission</i>
Compatibility of management measures	
45. IOTC Members should be invited to promptly implement IOTC conservation and management measures through their national legislation.	<i>Secretariat Commission</i>
Fishing allocations and opportunities.	
46. IOTC should explore the advantages and disadvantages of implementing an allocation system of fishing quota, expressed as TAC or TAE system. Such an investigation should include consideration of how significant catches by current non-Members would be accounted for.	<i>Commission</i>

ON COMPLIANCE AND ENFORCEMENT	
Flag State duties	
47. Any amendment to or replacement of the IOTC Agreement should include specific provisions on Member's duties as flag States, drawing on the relevant provisions of the UNFSA.	<i>Commission and Members</i>
Port State measures	
48. Any amendment to or replacement of the IOTC Agreement should include specific provisions on Member's duties as port States.	<i>Commission and Members</i>
49. IOTC should explore the possible implementation of the FAO Model Scheme on Port State Measures.	<i>Commission</i>
50. The IOTC should duly note the outcome of the current process for establishment of a globally binding agreement on port State measures.	<i>Commission</i>
Monitoring, Control and Surveillance	
51. IOTC should develop a comprehensive monitoring, control and surveillance (MCS) system through the implementation of the measures already in force, and through the adoption of new measures and tools such a possible on-board regional observers' scheme, a possible catch documentation scheme as well as a possible system on boarding and inspection.	<i>Compliance Committee</i>
Follow-up on infringements	
52. The current IUU resolution should be amended to allow the inclusion of vessels flagged to Members.	<i>Commission</i>
53. IOTC should explore options concerning the possible lack of follow-up on infringements by CPCs.	<i>Compliance Committee</i>
54. IOTC should establish a sanction mechanism for non-compliance, and task the Compliance Committee to develop a structured approach for cases of infringement.	<i>Compliance Committee</i>
55. Provisions for follow-up on infringement should be included in any amended/replaced Agreement.	<i>Commission and Members</i>

Cooperative mechanisms to detect and deter non-compliance	
56. A structured, integrated approach to evaluate the compliance of each of the Members against the IOTC Resolutions in force should be developed by the Compliance Committee.	<i>Compliance Committee</i>
57. CPCs should be reminded of their duty to implement in their national legislations the conservation and management measures adopted by IOTC.	<i>Compliance Committee</i>
58. The requirement to present national reports on the implementation of IOTC measures should be reinforced.	<i>Compliance Committee</i>
59. The sense of accountability within IOTC seems to be very low; therefore more accountability is required. There is probably a need for an assessment of the performance of CPCs.	<i>Compliance Committee</i>
60. Establishment of formal mechanisms of MCS (e.g. observers programmes) should be considered	<i>Compliance Committee</i>
Market related measures	
61. As IOTC action in terms of measures relating to the exercise of rights and duties of its Members as market States are very weak, the non-binding market related measure should be transformed into a binding measure.	<i>Commission</i>
62. -The bigeye statistical document programme should be applied to all bigeye products (fresh and frozen). Catch documentation schemes for target species of high commercial value should be considered. Alternatively, expanding the scope of the current statistical document programme to address current loopholes should be considered.	<i>Commission</i>
ON DECISION MAKING AND DISPUTE SETTLEMENT	
Decision making	
63. In order to improve the IOTC practices of decision making and adoption of measures, when every effort to achieve consensus has been exhausted, invoking the procedure of voting should be explored	<i>Commission</i>
64. Amending the objection procedure so that it is more rigorous, and in line with other RFMO Conventions, featuring restricted grounds for the bases to object is recommended.	<i>Commission and Members</i>
Dispute settlement	
65. A provision on dispute settlement should be amended in line with the requirements of UNFSA.	<i>Commission and Members</i>

ON INTERNATIONAL COOPERATION	
Transparency	
66. The active vessels list should be made available on the IOTC website.	<i>Commission</i> <i>Secretariat</i>
67. The Commission, in consultation with the Scientific Committee, should review the availability of critical data sets used in development of scientific advice and take steps to assure that these data are held at the Secretariat and available for validation of analyses, subject to the appropriate confidentiality requirements.	<i>Commission</i>
Relationship to cooperating non Members	
68. The legal framework of the IOTC Agreement should be amended or replaced in order to enable fishing players active in the area to discharge their obligations in line with the UNFSA.	<i>Commission and Members</i>
Relationship to non cooperating non Members	
69. Although the IOTC has strengthened its action towards non-Members in order to have all important fishing players included under its remit, diplomatic approaches should be made by IOTC Members to non-Members with active vessels in the area.	<i>Commission</i>
70. When non-cooperation is identified and all reasonable efforts to improve the situation are exhausted, any non-Members continuing not to cooperate should be adequately sanctioned by, for example, market related measures.	<i>Compliance Committee</i>
Cooperation with other RFMOs	
71. IOTC should establish mechanisms for a mutual recognition of IUU lists with other RFMOs.	<i>Commission</i>
72. IOTC should develop cooperative mechanisms, such as MoUs, to work in a coordinated manner on issues of common interest, in particular non-target species and an ecosystem approach with other RFMOs especially with SIOFA.	<i>Commission</i>
73. IOTC should annually agree on a Member attending other tuna RFMO meetings as an observer on its behalf and reporting back to the Commission on matters of interest	<i>Commission</i>
Special requirements of developing States	
74. A specific fund to assist capacity building should be put in place.	<i>Standing Committee on Administration and</i>

	<i>Finance</i>
75. Members, that are Parties of UNFSA, should make use of the part VII Fund, established under UNFSA.	<i>Members</i>
Participation	
76. Financial support, in particular for attendance in the scientific activities to developing States, is needed.	<i>Standing Committee on Administration and Finance</i>
77. The legal framework of the IOTC should be amended or replaced in order to enable fishing players active in the area to discharge their obligations in line with the UNFSA.	<i>Commission and Members</i>
ON FINANCIAL AND ADMINISTRATIVE ISSUES	
Availability of resources for RFMO activities -efficiency and cost-effectiveness	
78. The IOTC Agreement as well as financial management rules should be amended or replaced in order to increase Members' as well as Secretariat's control of all the budget elements, including staff costs of the budget. This would also improve transparency.	<i>Standing Committee on Administration and Finance</i> <i>Commission and Members</i>
79. Prior to the Commission assuming full control of the budget, the Commission meeting at which the budget is considered should be held as close as possible to the commencement of the financial year to which this budget relates and if possible in advance of that year.	<i>Commission</i>
80. A fee system should be considered as a possible funding mechanism for possible new activities.	<i>Commission</i>
81. The agreed external financial audit should be implemented as soon as possible, and should include a focus on whether IOTC is efficiently and effectively managing its human and financial resources, including those of the Secretariat.	<i>Standing Committee on Administration and Finance</i> <i>Commission</i>

RESOLUTION 2009/02
ON THE IMPLEMENTATION OF A LIMITATION OF FISHING CAPACITY OF
CONTRACTING PARTIES AND COOPERATING NON-CONTRACTING PARTIES

The Indian Ocean Tuna Commission (IOTC),

NOTING that the IOTC Scientific Committee during its Eleventh Session agreed that the total overcapacity is a major concern in all Oceans;

RECALLING the adoption by IOTC in 2003 of the Resolution 03/01 on the limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties; the adoption in 2006 of the Resolutions of the Resolution 06/05 on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating Non Contracting Parties, and the adoption in 2007 of the Resolution 07/05 *on limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties in terms of number of vessels targeting swordfish and Albacore*;

RECOGNISING that FAO International Plan of Action for the Management of the Fishing Capacity (IPOA) provides, in its Objectives and Principles that "States and Regional Fisheries Organisations confronted with an overcapacity problem, where capacity is undermining achievement of long-term sustainability outcomes, should endeavour initially to limit at present level and progressively reduce the fishing capacity applied to affected fisheries";

TAKING INTO ACCOUNT the need to have due regard for the interests of all Members concerned, in conformity with the rights and obligations of those Members under international law and in particular, to the rights and obligations of developing countries of the Indian Ocean rim with respect to entry into the high-seas fisheries in the IOTC area of competence;

RECOGNISING the need to ensure the proper implementation of the Resolutions 03/01, 06/05 and 07/05, in order to allow the stabilisation of the level of fishing capacity active on the stocks of high commercial value under the IOTC responsibility, and to facilitate the work of the Scientific Committee to be able to provide the Commission with sound scientific advice;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (CPCs) shall notify to the IOTC Secretariat, by 31 December 2009, the lists of vessels, by gear type, over 24 meters overall length and over, and under 24 meters if the fished outside their EEZs, and corresponding overall capacity in GT, which have actively fished in accordance with the provision of IOTC Resolution 07/04:
 - for tropical tunas during the year 2006 ⁴
 - for swordfish and albacore during the year 2007

Both lists shall include the vessel at that time considered under administrative process of construction.

⁴ Acknowledging that the catch levels and vessels presence in 2006 of certain Members is not representative of their historical presence, and consequently that these Members may increase the number of vessels present during the period of application of the Resolution to a maximum level operating in a season or year since 2000. These Members shall provide the Commission the identified number of vessels and corresponding capacity in GT by 31 December 2009.

2. In notifying their vessels fishing for tropical tunas in the area in 2006, and for swordfish and albacore in 2007, the CPCs shall confirm that they have verified the effective presence and fishing activities of their vessels in the IOTC area in 2006 and in 2007, through their VMS records, catch reports, port calls, or other means. The IOTC Secretariat shall have access to such information upon request.
3. This provision does not apply to those vessels included in the lists, but considered under administrative process of construction in 2006 and in 2007.
4. Within the period of application of this Resolution, CPCs may change the number of their vessels, by gear type, provided that they can either demonstrate to the Commission, under the advice of the Scientific Committee that the change in the number of vessels, by gear type, does not lead to an increase of fishing effort on the fish stocks involved or where they are directly limiting catches using individual transferable quotas under a comprehensive national management plan which has been provided to the Commission.
5. CPCs shall ensure that where there is a proposed transfer of capacity to their fleet that the vessels to be transferred are on the IOTC Record of Vessels or on the Record of Vessels of other tuna Regional Fisheries Management Organizations. No vessels on the List of IUU Vessels of any Regional Fisheries Management Organization may be transferred.
6. The other CPCs which had the objective of developing their fleets following the provisions of IOTC Resolution 03/01, through the introduction to the IOTC of a fleet development plan, shall confirm, by 31 December 2009, *inter alia*, the type, size, gear and origin of the vessels included in the Fleet Development Plans and the programming (precise calendar for the forthcoming 10 years) of their introduction into the fisheries). All future fishing efforts shall be in accordance with such development Plans of the concerned CPCs.
7. The CPCs which have introduced a Fleet Development Plan, and have confirmed the information on the vessels included in those plans according to the provision of paragraph 3, shall implement their Plans according to their programming. Regarding CPCs which fail to introduce vessels in accordance with their Fleet Development Plans, the IOTC Compliance Committee and the IOTC Commission will give annual consideration to the problems related to the implementation of Fleet Development Plans.
8. The IOTC Compliance Committee shall verify, at any IOTC Plenary Session, the compliance of CPCs with the provisions of this Resolution, including the implementation, according to the notified programming, of the Fleet Development Plans.
9. In relation to the foregoing, the Commission will give due consideration to the interests of the developing coastal States, in particular small islands developing States and territories within the IOTC Convention Area.
10. The IOTC Resolution 06/05 *on limitation of fishing capacity, in terms of number of vessels, of IOTC Contracting Parties and Cooperating Non Contracting Parties*, and the Resolution 07/05 *on limitation of fishing capacity of IOTC Contracting Parties and Cooperating Non Contracting Parties in terms of number of vessels targeting swordfish and Albacore* are superseded by this Resolution.
11. This Resolution is applicable during the years 2010 and 2011. The Commission shall review its implementation at the 2012 IOTC Session.

RESOLUTION 2009/03

ON ESTABLISHING A LIST OF VESSELS PRESUMED TO HAVE CARRIED OUT ILLEGAL, UNREGULATED AND UNREPORTED FISHING IN THE IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the FAO Council adopted on 23 June 2001 an International Plan of Action to prevent, to deter and eliminate illegal, unregulated and unreported fishing (IPOA-IUU). This plan stipulates that the identification of the vessels carrying out IUU activities should follow agreed procedures and be applied in an equitable, transparent and non discriminatory way;

RECALLING that the IOTC adopted Resolution 01/07 concerning its support of the IPOA-IUU;

RECALLING that IOTC has already adopted measures against IUU fishing activities and, in particular, against large-scale tuna longline vessels engaged in IUU fishing;

RECALLING that the IOTC adopted Resolution 07/01 to promote compliance by nationals of Contracting Parties and Cooperating Non-contracting Parties with IOTC conservation and management measures;

RECALLING ALSO that the IOTC adopted Resolution 07/02 to enhance the implementation of IOTC conservation and management measures through establishing a Record of fishing vessels authorised to operate in the IOTC Area;

CONCERNED by the fact that IUU fishing activities in the IOTC area continue, and these activities diminish the effectiveness of IOTC conservation and management measures;

FURTHER CONCERNED that there is evidence of a large number of vessel owners engaged in such fishing activities who have re-flagged their vessels to avoid compliance with IOTC management and conservation measures;

DETERMINED to address the challenge of an increase in IUU fishing activities by way of countermeasures to be applied in respect of the vessels engaged in IUU fishing, without prejudice to further measures adopted in respect of flag States under the relevant IOTC instruments;

CONSCIOUS of the need to address, as a matter of priority, the issue of large-scale fishing vessels conducting IUU fishing activities,

NOTING that the situation must be addressed in the light of all relevant international fisheries instruments and in accordance with the relevant rights and obligations established in the World Trade Organisation (WTO) Agreement;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

Definition of IUU Fishing Activities

1. For the purposes of this resolution, fishing vessels are presumed to have carried out illegal, unreported and unregulated fishing activities in the IOTC Area, inter alia, when a Contracting Party or Co-operating non-Contracting Party (hereinafter referred to as “CPC’s”) presents evidence that such vessels:
 - (a) Harvest tuna or tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC area, in accordance with Resolution 07/02, or

- (b) Harvest tuna or tuna-like species in the IOTC Area, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable, or
- (c) Do not record or report their catches made in the IOTC Area in accordance with IOTC reporting requirements, or make false reports, or
- (d) Take or land undersized fish in contravention of IOTC conservation measures, or
- (e) Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures, or
- (f) Use prohibited fishing gear in contravention of IOTC conservation measures, or
- (g) Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List, or
- (h) Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC Area without authorisation and/or infringe the coastal state's laws and regulations, (this is without prejudice to the sovereign rights of coastal States to take measures against such vessels), or
- (i) Are without nationality and harvest tuna or tuna-like species in the IOTC Area, or
- (j) Engage in fishing, including transshipping, re-supplying or re-fuelling, contrary to any other IOTC conservation and management measures.

Information on Alleged IUU Fishing Activities

2. CPCs shall transmit every year to the Secretary at least 120 days before the Annual Meeting, a list of the vessels presumed to have been carrying out IUU fishing activities in the IOTC Area during the current and previous year, accompanied by evidence supporting the presumption of IUU fishing activity. The IOTC Reporting Form for Illegal Activity (Annex I) shall be used.
3. This list and evidence shall be based on information collected by CPCs from all relevant sources including but not limited to:
 - (a) Relevant resolutions of the IOTC, as adopted and amended from time to time;
 - (b) Reports from CPCs Parties relating to IOTC conservation and management measures in force;
 - (c) Trade information obtained on the basis of relevant trade statistics such as Food and Agriculture Organization of the United Nations (FAO) data, statistical documents and other national or international verifiable statistics; and
 - (d) Any other information obtained from port States and/or gathered from the fishing grounds that is suitably documented.

Draft IUU Vessels List

4. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Draft IUU Vessels List. This list shall be drawn up in conformity with Annex II. The Secretary shall transmit it together with the current IUU Vessels List as well as all the evidence provided to CPCs and to non-Contracting Parties whose vessels are included on these lists at least 90 days before the Annual Meeting. CPCs and non-Contracting Parties will transmit any

comments to the Secretary at least 30 days before the Annual Meeting of the IOTC, including evidence showing that the listed vessels have neither fished in contravention to IOTC conservation and management measures nor had the possibility of fishing tuna and tuna-like species in the IOTC Area.

5. The Flag State shall notify the owner of the vessels of their inclusion in the Draft IUU Vessels List and of the consequences that may result from their inclusion being confirmed in the IUU Vessels List adopted by the Commission.
6. Upon receipt of the Draft IUU Vessels list, CPCs shall closely monitor the vessels included in the Draft IUU Vessels List in order to determine their activities and possible changes of name, flag and or registered owner.

Provisional IUU Vessels List

7. On the basis of the information received pursuant to paragraph 2, the Secretary shall draw up a Provisional IUU Vessels List and transmit it two weeks in advance to the Commission Meeting to the CPCs and to the non-Contracting Parties concerned together with all the evidence and any comments provided. This list shall be drawn up in conformity with Annex II.
8. CPCs and non-Contracting Parties may at any time submit to the Secretary any additional information, which might be relevant to the establishment of the IUU Vessels List. The Secretariat shall circulate the information before the annual meeting to CPCs concerned, together with all the evidence provided.
9. The Compliance Committee shall examine each year the Provisional IUU Vessels List, as well as the information referred to in paragraphs 2, 3, 4, 7 and 8.
10. The Compliance Committee shall remove a vessel from the Provisional IUU Vessels List if the Flag State demonstrates that:
 - (a) The vessel did not take part in any IUU fishing activities described in paragraph 1, or
 - (b) It has taken effective action in response to the IUU fishing activities in question, including, inter alia, prosecution and imposition of sanctions of adequate severity. CPCs will report any actions and measures they have taken in accordance with Resolution 07/01, in order to promote compliance by vessels of CPCs with IOTC conservation and management measures.
11. Following the examination referred to in paragraph 9, at each IOTC Annual meeting, the IOTC Compliance Committee shall:
 - (a) Adopt a Provisional IUU Vessels List following consideration of the Draft IUU Vessels List and information and evidence circulated under paragraphs 4, 7 and 8. The Provisional IUU Vessels List shall be submitted to the Commission for approval;
 - (b) Recommend to the Commission which, if any, vessels should be removed from the IUU Vessels List adopted at the previous IOTC Annual meeting, following consideration of that List, of the information and evidence circulated under paragraph 8 and the information supplied by Flag States in accordance with paragraph 16.

IUU Vessels List

12. On adoption of the IOTC IUU Vessels List, the Commission shall request CPCs, whose vessels appear on the list:
 - (a) To notify the owner of the vessel identified on the IUU Vessels List of its inclusion on the list and the consequences which result from being included on the list, as referred to in

paragraph 13;

(b) To take all the necessary measures to eliminate these IUU fishing activities, including if necessary, the withdrawal of the registration or of the fishing licences of these vessels, and to inform the Commission of the measures taken in this respect.

13. CPCs shall take all necessary measures, under their applicable legislation:

(a) So that the fishing vessels, the mother-ships and the cargo vessels flying their flag do not participate in any transshipment with vessels on the IUU Vessels list;

(b) So that IUU vessels that enter ports voluntarily are not authorized to land, tranship, refuel, re-supply, or engage in other commercial transactions;

(c) to prohibit the chartering of a vessel included on the IUU Vessels List;

(d) To refuse to grant their flag to vessels included in the IUU Vessels List, except if the vessel has changed owner and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel; or having taken into account all relevant facts, the Flag State determines that granting the vessel its flag will not result in IUU fishing;

(e) To prohibit the imports, landing or transshipment, of tuna and tuna-like species from vessels included in the IUU Vessels List;

(f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU Vessels List;

(g) To collect and exchange with other Contracting Parties or Co-operating non-Contracting Parties any appropriate information with the aim of detecting, controlling and preventing false import/export certificates for tunas and tuna-like species from vessels included in the IUU Vessels List.

14. The Secretary will take any necessary measure to ensure publicity of the IUU Vessels List adopted by IOTC pursuant to paragraph 11, in a manner consistent with any applicable confidentiality requirements, and through electronic means, including placing it on the IOTC website. Furthermore, the Secretary will transmit the IUU Vessels List to other regional fisheries management organisations for the purposes of enhanced co-operation between IOTC and these organisations in order to prevent, deter and eliminate illegal, unreported and unregulated fishing.

15. Without prejudice to the rights of Flag States and coastal states to take proper action consistent with international law, the CPCs should not take any unilateral trade measures or other sanctions against vessels provisionally included in the Draft IUU Vessels List, pursuant to paragraph 4, or which have been already removed from the IUU Vessels List, pursuant to paragraph 10, on the grounds that such vessels are involved in IUU fishing activities.

Deletion from the IUU Vessels List

16. A CPC whose vessel appears on the IUU Vessels List may request the removal of this vessel from the list during the inter-sessional period by providing the following information and supporting evidence:

(a) It has adopted measures such that the vessel conforms with all IOTC conservation measures;

- (b) It is and will continue to assume effectively its responsibilities with respect to this vessel in particular as regards the monitoring and control of the fishing activities executed by this vessel in the IOTC Area;
- (c) It has taken effective action in response to the IUU fishing activities in question including prosecution and imposition of sanctions of adequate severity;
- (d) The vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial or real interests in the vessel or exercises control over it and that the new owner has not participated in IUU fishing.

Inter Sessional Modification of the IUU Vessels List

- 17. The CPC shall send its request for the removal of a vessel from the IUU Vessels List to the IOTC Secretary accompanied by the supporting information referred to in paragraph 16.
- 18. On the basis of the information received in accordance with paragraph 16, the Secretary will transmit the removal request, with all the supporting information to the Contracting Parties within 15 days following the notification of the removal request.
- 19. The Contracting Parties will examine the request to remove the vessel and notify the Secretary of their conclusion to either remove the vessel from, or keep the vessel on, the IUU Vessels List, by mail within 30 days following the notification by the Secretary. The result of this examination will be checked by the Secretary at the end of the 30-day period following the date of the notification by the Secretary referred to in paragraph 18.
- 20. The Secretary will communicate the result of the examination to all CPCs and any non-Contracting Party that may have an interest.
- 21. If the result of the exercise indicates that there is a two-thirds majority of the Contracting Parties in favour of removing a vessel from the IUU Vessels List, the Secretary of the IOTC will communicate the result to any CPC Party which requested the removal of its vessel from the IUU Vessels List. In the absence of a two-thirds majority, the vessel will be maintained on the IUU Vessels List and the Secretary will inform the CPC accordingly.
- 22. Where the Commission decides to remove a vessel from the IUU Vessels list pursuant to paragraph 21, the Secretary will take the necessary measures to remove the vessel concerned from the IOTC IUU Vessels List, as published on the IOTC website. Moreover, the Secretary will forward the decision of removal of the vessel to other regional fishery management organisations.
- 23. Resolution 06/01 *On Establishing A List Of Vessels Presumed To Have Carried Out Illegal, Unregulated And Unreported Fishing In The IOTC Area* is superseded by this Resolution.

ANNEX I
IOTC REPORTING FORM FOR ILLEGAL ACTIVITY

Recalling IOTC Resolution 2009/03 *On establishing a list of vessels presumed to have carried out illegal, unregulated and unreported fishing in the IOTC area*, attached are details of illegal activity recorded in

A. Details of Vessel

(Please detail the incidents(s) in the format below)

Item	Definition	Indicate
a	Current Name of Vessel (Previous name/s, if any)	
b	Current Flag (previous flag/s, if any)	
c	Date first included on IOTC IUU Vessel List (if applicable)	
d	Lloyds IMO Number, if available	
e	Photo	
f	Call Sign (previous call sign, if any)	
g	Owner / Beneficial Owner/s (previous owner/s, if any)	
h	Operator (previous operator/s, if any) and Master/Fishing	
i	Date of alleged IUU fishing Activities	
j	Position of alleged IUU fishing Activities	
k	Summary of alleged IUU Activities (see section B for more)	
l	Summary of any Actions known to have been Taken in	
m	Outcome of Actions Taken	

B. Details of IOTC Resolution Elements Contravened

(Indicate with a “X” the individual elements of IOTC Resolution 2009/03 contravened, and provide relevant details including date, location, source of information. Extra information can be provided in an attachment if necessary.)

Item	Definition	Indicate
a	Harvest tuna or tuna-like species in the IOTC Area and are not registered on the IOTC Record of Vessels authorised to fish for tuna and tuna-like species in the IOTC Area	
b	Harvest tuna or tuna-like species in the IOTC Area, when their flag state is without sufficient quotas, catch limit or effort allocation under IOTC conservation and management measures where applicable	
c	Do not record or report their catches made in the IOTC Area in accordance with IOTC reporting requirements, or make false reports	
d	Take or land undersized fish in contravention of IOTC conservation measures	
e	Fish during closed fishing periods or in closed areas in contravention of IOTC conservation measures,	
f	Use prohibited fishing gear in contravention of IOTC conservation measures	
g	Tranship with, or participate in joint operations such as re-supplying or re-fuelling, vessels included in the IUU Vessels List,	
h	Harvest tuna or tuna-like species in the waters under the national jurisdiction of a coastal State in the IOTC	
j	Area without authorisation and/or infringes the coastal state’s laws and regulations,	
k	Are without nationality and harvest tuna or tuna-like species in the IOTC Area	
l	Engage in fishing or fishing related activities contrary to any other IOTC conservation and management measures	

C. Associated Documents

(List here the associated documents that are appended e.g. boarding reports, court proceedings, photographs)

D. Recommended Actions

Recommended Actions		Indicate
a	Notification to IOTC Secretariat only. No further action is recommended.	
b	Notification of illegal activity to IOTC Secretariat. Recommend notification of activity to flag state.	
c	Recommended for inclusion on IOTC IUU list	

ANNEX II

INFORMATION TO BE INCLUDED IN ALL IOTC IUU VESSELS LISTS

The Draft, Provisional and Final IUU Vessels Lists shall contain the following details:

1. name of the vessel and previous name/s, if any;
2. flag of the vessel and previous flag/s, if any;
3. owner of the vessel and previous owner/s, including beneficial owners, if any;
4. operator of the vessel and previous operator/s, if any;
5. call sign of the vessel and previous call sign/s, if any;
6. Lloyds/IMO number, if available;
7. photographs of the vessel, where available;
8. date the vessel was first included on the IOTC IUU Vessels List;
9. summary of the activities which justify inclusion of the vessel on the List, together with references to all relevant supporting documents and evidence

RESOLUTION 2009/04
REGIONAL OBSERVER SCHEME

The Indian Ocean Tuna Commission (IOTC),

TAKING INTO ACCOUNT the need to increase the scientific information, in particular to provide the IOTC Scientific Committee working material in order to improve the management of the tuna and tuna-like species fished in the Indian Ocean;

REITERATING the responsibilities of flag States to ensure that their vessels conduct their fishing activities in a responsible manner, fully respecting IOTC conservation and management measures;

CONSIDERING the need for action to ensure the effectiveness of the IOTC objectives;

CONSIDERING the obligation of all Contracting Parties and Co-operating Non-contracting Parties (hereinafter CPCs) to fully comply with the IOTC conservation and management measures;

AWARE of the necessity for sustained efforts by CPCs to ensure the enforcement of IOTC's conservation and management measures, and the need to encourage non-Contracting Parties (NCPs) to abide by these measures;

UNDERLINING that the adoption of this measure is intended to help support the implementation of conservation and management measures as well as scientific research for tuna and tuna-like species;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

Objective

1. The objective of the IOTC observer scheme shall be to collect verified catch data and other scientific data related to the fisheries for tuna and tuna-like species in the IOTC area.

Observer Scheme

2. In order to improve the collection of scientific data, at least 5 % of the number of operations/sets for each gear type by the fleet of each CPC while fishing in the IOTC Area of 24 meters overall length and over, and under 24 meters if they fish outside their EEZs shall be covered by this observer scheme. For vessels under 24 meters if they fish outside their EEZ, the above mentioned coverage should be achieved progressively by January 2013.
3. When purse seiners are carrying an observer as stated in paragraph 1, this observer shall also monitor the landing at port to identify the composition of bigeye catches. The requirement for the observer to monitor landings at port is not applicable to CPCs already having a port sampling, with at least the above mentioned coverage.
4. The number of the artisanal fishing vessels landings shall also be monitored at port by observers. The indicative level of the coverage of the artisanal fishing vessels should progressively increase towards 5% of the total landings.
5. CPCs shall:
 - (a) Have the primary responsibility to obtain qualified observers. Each CPC may choose to use either deployed national or non-national of the flag State of the vessel on which they are deployed;

- (b) Endeavour that the minimum level of coverage is met and that the observed vessels are a representative sample of the gear types active in their fleet;
 - (c) Take all necessary measures to ensure that observers are able to carry out their duties in a competent and safe manner;
 - (d) Endeavour to ensure that the observers alternate vessels between their assignments. Observers are not to perform duties, other than those described in paragraphs 9 and 10 below;
 - (e) Ensure that the vessel on which an observer is placed shall provide suitable food and lodging during the observer's deployment at the same level as the officers, where possible. Vessel masters shall ensure that all necessary co-operation is extended to observers in order for them to carry out their duties safely including providing access, as required, to the retained catch, and catch which is intended to be discarded.
6. The cost of the observer scheme in paragraph 2 and 3 shall be met by each CPC.
 7. The observer scheme referred in paragraph 4 will be covered by the Commission's accumulated funds and voluntary contribution on a provisional basis. The Commission will consider at its 14th Annual meeting an alternative for the financing of this scheme.
 8. If the coverage referred in paragraphs 2 and 3 is not met by a CPC, any other CPC may, subject to the consent of the CPC who has not met its coverage, place an observer to fulfil the tasks defined in the paragraphs 1 and 2 until that CPC provides a replacement or the target coverage level is met.
 9. CPCs shall provide to the Executive Secretary and the Scientific Committee annually a report of the number of vessels on which observers were placed and the coverage achieved by gear type in accordance with the provisions of this Resolution.
 10. Observers shall:
 - (a) Record and report fishing activities, verify positions of the vessel;
 - (b) Observe and estimate catches as far as possible with a view to identifying catch composition and monitoring discards, by-catches and size frequency;
 - (c) Record the gear type, mesh size and attachments employed by the master;
 - (d) Collect information to enable the cross-checking entries made to the logbooks (species composition and quantities, live and processed weight and location, where available); and
 - (e) Carry out such scientific work (for example, collecting samples), as requested by the IOTC Scientific Committee.
 11. The observer shall, within 30 days of completion of each trip, provide a report to the CPCs of the vessel. The CPCs shall send within 90 days the report, which is recommended to be provided with 1°x1° format to the Executive Secretary, who shall make the report available to the Scientific Committee upon request. In a case where the vessel is fishing in the EEZ of a coastal state, the report shall equally be submitted to that Coastal State.
 12. The confidentiality rules set out in the resolution 98/02 *Data confidentiality policy and procedures* for fine-scale data shall apply.
 13. The funds available from the IOTC balance of funds may be used to support the implementation of this programme in developing States, notably the training of observers.
 14. The entry into force of this Resolution is 1 July 2010.

15. The elements of the Observer Scheme, notably those regarding its coverage, are subject to review and revision, as appropriate, for application in 2012 and subsequent years. Basing on the experience of other Tuna RFMOs, the Scientific Committee will elaborate an observer working manual, a template to be used for reporting (including minimum data fields) and a training program at its 2009 session.

RESOLUTION 2009/05
TO PROHIBIT THE USE OF LARGE-SCALE DRIFTNETS ON THE HIGH SEAS IN THE
IOTC AREA

The Indian Ocean Tuna Commission (IOTC),

RECALLING that the United Nations General Assembly (UNGA) Resolution 46/215 calls for a global moratorium on large-scale high seas driftnet fishing;

NOTING that a number of vessels continue to engage in large-scale high seas driftnet fishing in the Indian Ocean Tuna Commission Area;

MINDFUL that any vessel fishing with large-scale driftnets on the high seas in the IOTC Area, or configured to conduct large-scale high seas driftnet operations, has the capacity to take species of concern to the IOTC and is likely to undermine the effectiveness of IOTC conservation and management measures;

NOTING with concern that recent information indicates that such vessels are interacting more frequently with highly migratory species, such as tunas, swordfish, sharks, and other species covered by the IOTC Agreement; and that associated “ghost fishing” by lost or discarded driftnets have serious detrimental effects on these species of concern and the marine environment;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. The use of large-scale driftnets⁵ on the high seas within the IOTC Area shall be prohibited.
2. Each Contracting Party and Cooperating Non-Contracting party (hereinafter referred to as CPCs) shall take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area.
3. A CPC-flagged fishing vessel will be presumed to have used large-scale driftnets on the high seas in the IOTC Area if it is found operating on the high seas in the IOTC Area and is configured⁶ to use large-scale driftnets.
4. Paragraph 3 shall not apply to a CPC-flagged vessel duly authorized to use large-scale driftnets in their EEZs. While on the high seas in the IOTC Area all of such driftnets and related fishing equipment shall be stowed or secured in such a manner that they are not readily available to be used for fishing.
5. CPCs shall include in their Annual Reports a summary of monitoring, control, and surveillance actions related to large-scale driftnet fishing on the high seas in the IOTC Area.
6. The IOTC shall periodically assess whether additional measures should be adopted and implemented to ensure that large-scale driftnets are not used on the high seas in the IOTC Area. The first such assessment shall take place in 2012.
7. Nothing in this measure shall prevent CPCs from applying more stringent measures to regulate the use of large-scale driftnets.

⁵ “Large-scale driftnets” are defined as gillnets or other nets or a combination of nets that are more than 2.5 kilometers in length whose purpose is to enmesh, entrap, or entangle fish by drifting on the surface of, or in, the water column.

⁶ “Configured” to use large-scale drift-nets means having on board assembled gear that collectively would allow the vessel to deploy and retrieve large-scale driftnets.

RESOLUTION 2009/06 ON MARINE TURTLES

The Indian Ocean Tuna Commission (IOTC),

RECALLING Recommendation 05/08 *On Sea Turtles*;

AWARE that the populations of the six species of marine turtles under the *Memorandum of Understanding on the Conservation and Management of Marine Turtles and their Habitats of the Indian Ocean and South-East Asia* (IOSEA MoU) are listed as vulnerable, endangered or critically endangered on the IUCN - The World Conservation Union Red List of Threatened Species;

RECOGNISING that the 26th FAO-COFI Session in March 2005 adopted the *Guidelines to Reduce Sea Turtle Mortality in Fishing Operation* (hereinafter referred to as “the FAO Guidelines”) and recommended their implementation by regional fisheries bodies and management organizations;

RECOGNISING that some fishing operations carried out in the Indian Ocean can adversely impact marine turtles and the need to implement measures to manage the adverse effects of fishing in the Indian Ocean on marine turtles;

ACKNOWLEDGING the activities undertaken to conserve marine turtles and the habitats on which they depend within the framework of the IOSEA MoU in particular its *Resolution to Promote the Use of Marine Turtle Bycatch Reduction Measures by IOSEA Signatory States* adopted by the Fifth Meeting of the Signatory States.

NOTING the Scientific Committee’s concern that the expansion of gillnet fishing from traditional fishing grounds into high seas might increase the interaction with marine turtles and lead to increased mortality;

FURTHER NOTING the Scientific Committee’s adoption of a status report on marine turtles at its eleventh session and its finding that there is an urgent need to quantify the effects of Indian Ocean fisheries on non-target (bycatch) species and to develop mitigation measures to reduce adverse effects on these species;

ADOPTS in accordance with paragraph 1 of Article IX of the IOTC Agreement, that:

1. Contracting Parties and Cooperating non-Contracting Parties (hereinafter referred to as “CPCs”) will implement, as appropriate, the FAO Guidelines.
2. CPCs shall collect (including through logbooks and observer programs) and provide to the Scientific Committee all data on their vessels’ interactions with marine turtles in fisheries targeting the species covered by the IOTC Agreement. CPC shall also furnish available information to the Scientific Committee on successful mitigation measures and other impacts on marine turtles in the IOTC Area, such as the deterioration of nesting sites and swallowing of marine debris.
3. CPCs shall report to the Commission, in accordance with Article X of the IOTC Agreement, their progress of implementation of the FAO Guidelines and this Resolution.
4. CPCs shall require fishermen on vessels targeting species covered by the IOTC Agreement to bring aboard, if practicable, any captured hard shelled turtle that is comatose or inactive as soon as possible and foster its recovery, including aiding in its resuscitation, before safely returning it to the water. CPCs shall ensure that fishermen are aware of and use proper mitigation and handling techniques and keep on board all necessary equipment for the release of turtles, in accordance with guidelines to be adopted by the IOTC.

5. CPCs with gillnet vessels that fish for species covered by the IOTC Agreement shall:
 - (a) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks⁷ and report such incidents to the appropriate authorities of the CPC;
 - (b) Provide the results of the reporting under paragraph 5(a) to the Commission as part of the reporting requirement of paragraph 2.

6. CPCs with longline vessels that fish for species covered by the IOTC Agreement shall:
 - (a) Ensure that the operators of all longline vessels carry line cutters and de-hookers in order to facilitate the appropriate handling and prompt release of marine turtles caught or entangled, and that they do so in accordance with IOTC Guidelines to be developed. CPCs shall also ensure that operators of such vessels are required to carry and use, where appropriate, dip-nets, in accordance with guidelines to be adopted by the IOTC;
 - (b) Encourage the use of whole finfish bait where appropriate;
 - (c) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks⁸ and report such incidents to the appropriate authorities of the CPC;
 - (d) Provide the results of the reporting under paragraph 6(c) to the Commission as part of the reporting requirement of paragraph 2.

7. CPCs with purse seine vessels that fish for species covered by the IOTC Agreement shall:
 - (a) Ensure that operators of such vessels, while fishing in the IOTC Area:
 - (i) To the extent practicable, avoid encirclement of marine turtles, and if a marine turtle is encircled or entangled, take practicable measures to safely release the turtle.
 - (ii) To the extent practicable, release all marine turtles observed entangled in fish aggregating devices (FADs) or other fishing gear.
 - (iii) If a marine turtle is entangled in the net, stop net roll as soon as the turtle comes out of the water; disentangle the turtle without injuring it before resuming the net roll; and to the extent practicable, assist the recovery of the turtle before returning it to the water.
 - (iv) Carry and employ dip nets, when appropriate, to handle turtles.
 - (b) Encourage such vessel to adopt FAD designs which reduce the incidence of entanglement of turtles;
 - (c) Require that operators of such vessels record all incidents involving marine turtles during fishing operations in their logbooks⁹ and report such incidents to the appropriate authorities of the CPC;

⁷ This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release

⁸ This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release

(d) Provide the results of the reporting under paragraph 7(c) to the Commission as part of the reporting requirement of paragraph 2.

8. All CPCs are requested to:

(a) Where appropriate undertake research trials of circle hooks, use of whole finfish for bait, alternative FAD designs, alternative handling techniques, gillnet design and fishing practices and other mitigation methods which may improve the mitigation of adverse effects on turtles;

(b) Report the results of these trials to the Scientific Committee (SC), at least (60 days) in advance of the annual meetings of the SC.

9. The Scientific Committee shall request the Working Party on Ecosystems and Bycatch to:

(a) Develop recommendations on appropriate mitigation measures for gillnet, longline and purse-seine fisheries in the IOTC Area;

(b) Develop guidelines for the appropriate handling and release of marine turtles that are impacted by fisheries under the purview of the IOTC;

(c) Develop regional standards covering data collection, data exchange and training;

(d) Produce a marine turtle identification guide for the Indian Ocean.

The recommendations of the Working Party on Ecosystems and Bycatch shall be provided to the Scientific Committee for consideration at its annual session in 2010. In developing its recommendations, the Working Party on Ecosystems and Bycatch shall examine and take into account the information provided by CPCs in accordance with paragraph 8 of this measure, other research available on the effectiveness of various mitigation methods in the IOTC area, mitigation measures and guidelines adopted by other relevant organizations and, in particular, those of the Western and Central Pacific Fisheries Commission. The Working Party on Ecosystems and Bycatch will specifically consider the effects of circle hooks on target species catch rates, marine turtle mortalities and other bycatch species.

10. At its annual session in 2011 the Commission shall consider the recommendations of the Scientific Committee, together with socio-economic considerations, with a view to adopting further measures to mitigate interactions with marine turtles in fisheries covered by the IOTC Agreement.

11. CPCs should continue to undertake research and development to improve the mitigation of adverse affects on marine turtles and provide research outcomes to the Scientific Committee.

12. In researching new mitigation methods, consideration should be given to ensuring that methods do not cause greater harm than they prevent and do not adversely impact other species (particularly threatened species) and/or the environment.

13. CPCs are encouraged to collaborate with the IOSEA and take into account the IOSEA MoU including the provisions of the Conservation and Management Plan in the implementation of bycatch mitigation measures for marine turtles.

14. The IOTC and IOSEA secretariats are encouraged to intensify their collaboration and exchange of information on marine turtle issues in accordance with the protocols agreed by the Commission.

⁹ This information should include, where possible, details on species, location of capture, conditions, actions taken on board and location of release

15. CPCs are encouraged to support developing countries in their implementation of the FAO Guidelines and this Resolution.
16. The Scientific Committee shall annually review the information reported by CPCs pursuant to this measure and, as necessary, provide recommendations to the Commission on ways to strengthen efforts to reduce marine turtle interactions with IOTC fisheries.

APPENDIX XII
ARRANGEMENT BETWEEN THE INDIAN OCEAN TUNA COMMISSION AND THE
SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF
ALBATROSSES AND PETRELS



ARRANGEMENT
BETWEEN

THE INDIAN OCEAN TUNA COMMISSION

and

THE SECRETARIAT FOR THE AGREEMENT ON THE CONSERVATION OF
ALBATROSSES AND PETRELS

The Indian Ocean Tuna Commission (hereafter IOTC) and the Secretariat for the Agreement on the Conservation of Albatrosses and Petrels;

ACKNOWLEDGING that The Agreement on the Conservation of Albatrosses and Petrels (hereafter ACAP), developed under the auspices of the Convention on the Conservation of Migratory Species of Wild Animals, is a multilateral agreement which seeks to achieve and maintain a favourable conservation status for albatrosses and petrels by coordinating international activity to mitigate known threats to albatross and petrel populations.

NOTING that Article X(d) of ACAP authorizes the ACAP Secretariat to liaise with non-Party Range States and regional economic integration organisations and to facilitate coordination between Parties and non-Party Range States, and international and national organisations and institutions whose activities are directly or indirectly relevant to the conservation, including the protection and management, of albatrosses and petrels;

NOTING FURTHER that Article XI of ACAP empowers the ACAP Secretariat to consult and cooperate, where appropriate, with the secretariats of other relevant conventions and international instruments in respect of matters of common interest and to enter into arrangements, with the approval of the Meeting of Parties (MoP), with other organisations and institutions as may be appropriate and to consult and cooperate with such organisations and institutions in exchanging information and data,

NOTING that Article XV of the IOTC Agreement calls upon the IOTC to cooperate with other organizations active in fisheries, especially tuna fisheries.

ACKNOWLEDGING that the objective of the IOTC is to ensure, through effective management, the long-term conservation and sustainable use of the stocks of tuna and tuna-like species in the Indian Ocean;

CONSCIOUS that a few Members of the IOTC are also Parties to ACAP,

RECOGNIZING that the achievement of the objectives of the IOTC and ACAP will benefit from cooperation, with a view to strengthening the conservation measures adopted in respect of albatrosses and petrels,

DESIRING to put into place arrangements and procedures to promote cooperation in order to enhance the conservation of albatrosses and petrels;

NOW THEREFORE the IOTC and the ACAP Secretariat record the following understandings:

1. OBJECTIVE OF THIS ARRANGEMENT

The objective of this Arrangement is to facilitate cooperation between the IOTC and the ACAP Secretariat (both sides) with a view to supporting efforts to minimise the incidental by-catch of albatrosses and petrels listed in Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels within the IOTC Area.

2. AREAS OF COOPERATION

Both sides may establish and maintain consultation, co-operation and collaboration in respect of matters of common interest to both organisations for the:

- a) development of systems for collecting and analysing data, and exchanging information concerning the incidental by-catch of seabirds in the IOTC Area;
- b) exchange of information regarding management approaches relevant to the conservation of albatrosses and petrels;
- c) implementation of education and awareness programmes for fishers who operate in areas where albatrosses and petrels may be encountered;
- d) design, testing and implementation of seabird by-catch mitigation measures relevant to fishing operations in the IOTC Area;
- e) development of training programmes on conservation techniques and measures to mitigate threats affecting albatrosses and petrels; and
- f) exchange of expertise, techniques and knowledge relevant to the conservation of albatrosses and petrels in the IOTC Area and
- g) reciprocal participation with observer status at the relevant meetings of each organisation.

3. MODIFICATION

This Arrangement may be modified at any time by the mutual written consent of both sides.

4. LEGAL STATUS

The both sides acknowledge that this Arrangement is not legally binding between them.

5. OTHERS

This arrangement will continue to operate for 5 years. At that stage the both sides will review the operation of the Arrangement and decide whether it will be renewed or modified.

- (a) Either side may terminate this Arrangement by giving six months prior written notice to the other side.
- (b) This arrangement will commence of the day of signature.

SIGNATURE

Signed in Bali on 3 April 2009

Signed at Hobart,

Chairperson IOTC

Executive Secretary, ACAP Secretariat

APPENDIX XIII
STATEMENT OF THE IOTC PLENARY
ON PIRACY IN THE WESTERN PART OF THE IOTC AREA

The Indian Ocean Tuna Commission "IOTC" recalls its statement on piracy off the coast of Somalia issued in May 2008. Regrettably, cases of piracy against humanitarian, commercial and fishing vessels off the coast of Somalia have increased further over the last year. The Commission continues to be deeply concerned by this upsurge of acts of piracy which put at risk the delivery of humanitarian assistance to the population of Somalia and which has had a serious impact in particular on merchant shipping and also on legitimate fishing activities in the western part of the IOTC area of competence according to international laws and regulations and where their activities are monitored by IOTC members in accordance with its management measures.

The IOTC welcomes the adoption of United Nations Security Council Resolutions 1814, 1816, 1838, 1846 and 1851 on piracy off the coast of Somalia and urges all States to contribute to their rapid and effective implementation. The implementation of these resolutions will be important in ensuring the protection of fishermen (of various nationalities) from piracy, and enable them to carry out their fishing activities on which depend a significant amount of economic activities in Coastal countries of the Indian Ocean. The IOTC calls for the international community to devote sufficient means to fully implement these resolutions

In addition the IOTC recalls the relevant provisions included in the United Nations Convention on the Law of the Sea (UNCLOS), notably those included in its article 105, for fighting acts of piracy and calls on State parties to that Convention to take the necessary action in their national legislations to make full use of those provisions.

The IOTC also welcomes efforts by the International Maritime Organisation "IMO", particularly the sub-regional meeting held in January 2009 in Djibouti, where a code of conduct on maritime security, piracy and armed robbery against ships for States from the Western Indian Ocean and Gulf of Aden areas was concluded.

Referring to OP 62 of the United Nations General Assembly Resolution on Oceans and law of the sea (A/63/L.42) the IOTC underlines the importance of prompt reporting of incidents of piracy and armed robbery, including attempts, thus providing timely and accurate information on the scope of the problem. Sharing relevant information with coastal States and other States potentially affected by such incidents is crucial to addressing the issue; in this context the IOTC commends the important role of the IMO.

The IOTC calls on the International Community to give all its support to ensure the safety of all fishing vessels and their crew in the region from acts of piracy.